Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2015/A0145
Appeal by:	Mr. Liam McKay (Manor Homes)
Subject of Appeal:	The refusal of full planning permission
Proposed Development:	Housing development (96 dwellings)
Location:	Former GAA Grounds, Leyland Road, Ballycastle
Planning Authority:	Causeway Coast and Glens District Council
Application Reference:	E/2010/0219/F
Procedure:	Informal Hearing on 16th March 2016
Decision by:	Commissioner Diane O'Neill, dated 10th May 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal provides a quality residential environment and whether it would adversely affect residential amenity.

3. The Planning (NI) Act 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. The appeal site is located within the development limit of Ballycastle as defined in the Northern Area Plan 2016 (NAP). NAP identifies the site, for information purposes, as a major area of existing open space. However, the principle of housing development on the site was found to be acceptable in appeal 2007/A0534 which concluded that this previous Gaelic pitch did not fall within the definition of open space of public value and was not therefore afforded protection under the provisions of Policy OS 1 of PPS 8. The planning authority did not dispute this stance. Since there is no evidence to reach a different conclusion, the zoning in NAP is outweighed by the site's planning history.

4. The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) advises that until such time as a Plan Strategy for the whole of the council area has been adopted a number of retained regional planning policies will continue to apply. It adds that any relevant supplementary and best practice guidance will also continue to apply. In this case, the relevant policy context is provided by Policy QD 1 in Planning Policy Statement 7: Quality Residential Environments (PPS 7). The design guide Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN 8), which are referred to in the reason for refusal, are supplementary planning guidance which support and clarify planning policy statements, including PPS 7. Therefore where relevant, they are to be taken into account as a material consideration in the making of decisions.

Irrespective of discussions with individual officers or whether the appellant was unaware of a particular concern prior to the issuing of the decision, it is the final corporate view of the planning authority that has to be assessed.

5. At the hearing the planning authority raised concern in relation to the presence of blank gables in numerous locations throughout the scheme. Whilst this issue was not specifically alluded to in their Statement of Case, the reason for refusal identified that the planning authority was concerned about the design of the proposal and the appellant was given the opportunity to deal with and respond to this issue at the hearing. I am therefore not persuaded that there is any prejudice caused by the raising of this specific issue. The appellant suggested changes to the scheme, namely removing certain windows and altering the boundary treatment, however as this is a full application and no amended drawings were submitted illustrating these changes, it is the final version of drawings as listed in this decision that will be considered.

Design

6. Policy QD 1 of PPS 7 states that all proposals for residential development will be expected to conform to nine criteria. The ninth criterion (h) of Policy QD 1 states that the design and layout should not create conflict with adjacent land uses and that there should not be unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Given the separation distance between the house types on sites 1 (HT L) and 2 (HT B1) and the disposition of intervening windows I am satisfied that the privacy for the living room of the proposed dwelling on site 1 would not be unacceptably compromised. HT L is also proposed on site 23 which, together with site 24, is located in the most north-westerly corner of the site. Whilst the ground floor glass doors, a landing window and first floor wc and bedroom windows of HT L would be orientated towards site 24, the separation distance from the common boundary would ensure that there would not be an unacceptable level of overlooking into the amenity space of site 24 considering the site's context. The proposal therefore meets criterion (h) of Policy QD 1 as there would be no unacceptable adverse effect on existing or proposed residents.

7. Criterion (a) of Policy QD 1 states that the development is to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The seventh criterion, (g), states that the design should draw upon the best local traditions of form, materials and detailing. The approved concept plan under 2007/A0534, whilst skeletal in nature, specifically illustrated that the dwellings sited at the entrance to the site would be designed to have their main frontage facing Leyland Road (sites 1 and 63) as a development principle. In this respect House Type L (HT L) is not an appropriate design for site 1 as the elevation facing Leyland Road would have the appearance of a gable elevation with a front door inserted into it along with incongruous features such as a small wc window. In relation to the presentation of this house to the access road, despite the modest feature outshot and canopy, the presence of the double glass doors from the living area along the 10m 'side elevation' contributes to the confusion of its design. HT L is therefore not a suitably designed dual frontage house type for the entrance to the site. HT M is proposed on the other Leyland Road frontage plots (site 63). Although the side elevation, located along the main access, would only have a small first floor

bedroom window, the rustic band detailing located in the middle of the gable together with the external chimney breast would provide some visual interest. Whilst it is a typical suburban design, its use for one of the two frontage dwellings would however be in dramatic contrast to HT L; their relationship would not appear harmonious at this key location.

8. Whilst a variety of house types are encouraged within policy, the detail of these must be appropriate within the proposed scheme; they should complement each other and provide harmony. HT B1/B would be utilised for just over half of the development and appears to be an attempt to make the semi-detached dwellings appear as a larger single house. However, with the two house types having differing eaves levels and front projections, with HT B's front projection having a pitched element, the front elevation appears overly fussy. Rather than reflecting their location, there would be disharmony in the design of the two front elevations. In terms of the treatment of prominent sites, whilst the predominantly blank gable on the side elevations of HT B1/B may be acceptable on some sites within the development, on sites 64 and 68 however these gables would be much more apparent to public view and would appear stark at these locations. On other relatively prominent sites, namely sites 59, 60, 70 and 79, HT C would also have a 7.9m high side gable with no openings to provide visual relief from the solid mass of the wall. On three other corner sites, HT J and K would introduce a half hipped roof design into the proposal, which would seem at variance and out of character with the roof designs utilised for the remaining house types.

9. Block DA, which would be located within the upper middle section of the appeal site, would be 35.4m in length and comprise of four townhouses and three apartments. With the central element being nearly 10m in height, it would appear as a dramatic contrast to the modest 7.9m high HT C semi-detached dwellings facing it on sites 70-79. Whilst HT L would have a small projection finished in grey/black stonework, the front elevations of the apartments and two of the townhouses would be entirely finished in stone. Whilst stone may be prevalent in the wider locality, within this development it would appear at odds with the other rendered with rustic brick detailing finishes. Whilst the block may not be visible from outside the proposal, when travelling within the development, rather than appearing as an appropriate focal point, it would appear overly dominant in scale and confused in design.

10. Concern was also raised in relation to the proposed layout of the parking and internal road. The appearance of the parking would not be unexpected in such a large proposal. The previously approved concept plan suggested a disjointed access arrangement with a design principle whereby there would a grouping of low density housing within a shared surface courtyard area; this would be reflective of the semi-urban context of the site. The proposed road layout would however appear as a large ring road within the scheme which would appear visually dominant. The proposed open space would not be the overriding feature. Whilst the appeal site is relatively modest in size and has an elongated shape, this would not prevent a less formalised road layout.

11. When these various unsatisfactory elements of the proposal are combined, it is evident that the development would appear disjointed and inappropriate in terms of its layout, scale, proportions, massing and appearance of the dwellings. In addition, the design does not draw upon the best local traditions of form, materials

and detailing. Therefore, whilst the proposal meets criterion (h) of Policy QD 1, irrespective of the design in surrounding developments and the present condition of the site, this proposed scheme would however be contrary (a) and (g) of Policy QD 1.

Amenity space

12. Criterion (c) of Policy QD 1 requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Criterion (i) also requires that the development is designed to deter crime and promote personal safety. The concept design drawing (PAC 1) which was considered appropriate in appeal 2007/A0524 illustrated a larger central area of open space which, together with a key landscape feature, would create a focal point for the development. Irrespective of the position of open space within other developments, the distribution of the open space throughout the appeal site would take away from its focus; its fragmentation would also undermine its usability. The provision of open space would not appear as an integral part of the design and the areas would appear disjointed.

13. The north-eastern corner of open space would lack surveillance given the orientation of the dwellings. The proposed predominantly blank gables of sites 38 and 39 would permit only limited surveillance of the proposed open space located between them. The separation distance between HT K, located on the opposite side of the access road, and the open space would also result in limited surveillance from these proposed residents. The introduction of 1.8m high hedging along the boundaries of the open space, including creating an enclosed corridor into it in order to protect the amenity of sites 38 and 39, would further reduce the potential observation of the area from the access road. The suggestion that anti-social behaviour could be heard may not act as an adequate deterrent for such activity. The nearest properties at Gortmaddy Drive would be at a lower level and approximately 16.5m away. Even if the residents from Gortmaddy Drive observed or heard inappropriate behaviour, they would not have direct access to the open space. The attractiveness of the views from the open space may draw some people to the open space however this would not overcome the concerns in relation to its lack of adequate surveillance and ultimately its usability for the purpose proposed. Discounting this area of open space from the overall provision however means that approximately 8% of the site area would be utilised as public open space which is below the normal expectation of at least 10% for such a site. Therefore the scheme makes an inadequate provision for public open space.

14. In terms of the concerns in relation to the amenity space of sites 1 and 63 along the frontage of Leyland Road, not only would the amenity space and its associated ancillary equipment be visible from the public road but it would also not offer sufficient privacy for the residents. The privacy of the private amenity space of plots 38, 39, 64, 68, 70, 79-81, 88-96 would also be compromised due to their position on corner plots and/or adjacent to the proposed open space provision. The proposed hedgerow behind the building line would take a considerable amount of time to mature before it would provide adequate screening and privacy. Irrespective of what occurs within other housing developments, the proposed arrangement would not be acceptable in this instance. The proposal is therefore contrary to criteria (c) and (i) of Policy QD 1.

15. As the proposal would be contrary to criteria (a), (c), (g) and (i) of Policy QD 1 of PPS 7, the reason for refusal is sustained.

This decision is based on the following drawings:

- Drawing 01 1:2500 site location plan dated received by the Department on 5th August 2010
- Drawing 02F 1:500 site layout plan in appellant's Statement of Case
- Drawing 03A 1:50 and 1:100 House Type A dated received by the Department on 8th May 2012
- Drawing 04A 1:50 and 1:100 House Type B/B1 dated received by the Department on 8th May 2012
- Drawing 05A 1:50 and 1:100 House Type C dated received by the Department on 8th May 2012
- Drawing 07B 1:100 Apartment Type DA in appellant's Statement of Case
- Drawing 09A 1:!00 House Types J and K dated received by the Department on 8th May 2012
- Drawing 10B 1:100 House Type in appellant's Statement of Case
- Drawing 11A 1:100 House Type M dated received by the Department on 8th May 2012
- Drawing 12A 1:!00 House Type N dated received by the Department on 8th May 2012
- Drawing 13E 1:500 Proposed road layout dated received by the Department on 27th February 2013
- Drawing 15E 1:500 Proposed levels and ffls dated received by the Department on 27th February 2013
- Drawing 16E Existing and proposed long sections dated received by the Department on 27th February 2013
- Drawing 17D Proposed drainage long sections dated received by the Department on 27th February 2013
- Drawing 18C Proposed construction details sheet 1 dated received by the Department on 27th February 2013
- Drawing 19E Proposed construction details sheet 2 dated received by the Department on 27th February 2013
- Drawing 20B 1:500 Private Streets Determination dated received by the Department on 27th February 2013
- Drawing 22 Proposed construction details sheet 3 dated received by the Department on 4th September 2013
- Drawing 23 1:100 House Types J and K handed received in appellant's Statement of Case

COMMISSIONER DIANE O'NEILL

List of documents

Planning Authority (Causeway Coast and Glens Borough Council):	Statement of Case and appendices (PA1)
Appellant:	Statement of Case and appendices (A1)

List of appearances

Planning Authority (Causeway Coast and Glens Borough Council):	Ms Jennifer Lundy Ms Joy McIntyre
Appellant:	Mr Liam Mc Kay Mr William Orbinson QC (counsel) Ms Beverley Clyde (Strategic Planning) Mr Norman Perry (Diamond Design Studio)