Appeal Decision

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Appeal Reference:	2016/A0038
Appeal by:	B J Coleman
Appeal against:	The refusal of full planning permission
Proposed Development:	Housing Development of 8 single storey dwellings
Location:	Adjacent and east of Goodyear Social Club, Silverwood Road, Lurgan
Planning Authority:	Armagh City, Banbridge &Craigavon Borough Council
Application Reference:	N/2015/0130/F
Procedure:	Hearing on 28 September 2016
Decision by:	Commissioner Pauline Boomer dated 26 October 2016.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Preliminary Issue

2. During the processing of the planning application, to take account of the objections raised by two local residents, the appellant revised the proposal, reducing the number of units from 12 to 8 and reducing the height of each unit from 2-storey to single storey. This also involved the redesign of the dwellings as now proposed. The revised scheme was readvertised and local residents were reconsulted on the revised floor plans and elevations. Despite these significant alterations, the block plan was not amended to reflect the revised layout and the 1:500 block plan date stamped refused on 23 March 2016 did not correspond with the floor plans and elevations as amended. In his Statement of Case the appellant submitted a revised floor plan for the semi detached units introducing a bay window in the front elevation as well as a block plan better annotated but still incorrect. At the hearing, the appellant's representative apologized for these mistakes and submitted a revised block plan which better reflects the reduced number of units and their amended configuration within the appeal site which was considered by the Council. I am satisfied that the objectors were made aware of the reduced number of units and the revised floor plans and elevations and that the late addition of a bay window in the front elevation of some units would not impact on neighbouring amenities. I do not therefore consider that prejudice would result in basing this appeal on the revised block plan which better reflects the house types proposed as indicated in the submitted floor plans and elevations and the minor design changes.

Reasons

3. The main issues in this appeal are whether the appeal development would constitute a quality residential development, given its layout and design and its impact on residential amenities.

4. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the settlement limit of Lurgan as indicated in the Craigavon Area Plan 2010. The Area Plan contains no policies relating specifically to the appeal site or its use. The planning context is provided by Planning Policy Statement 7 - Quality Residential Environments (PPS7) and its Addendum "Safeguarding the character of established Residential Areas" which were retained in the Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. The guidance contained in Creating Places is also material to consideration of this appeal.

5. The Local Planning Authority (LPA) confirmed that there are no objections to the principle of residential development on the appeal site. Policy QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape of Lurgan. Policy QD1 states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed criteria. The first reason for refusal states that the proposed development conflicts with Criterion (a), (b), (g), (h) and (i) of Policy QD1. Criterion (a) requires new development to respect the surrounding context and be appropriate to the character and topography of the area. Criterion (b), (g) and (i) deal with landscaping, design and personal safety whilst the issue of protecting residential amenity is addressed in criterion (h). The second reason for refusal refers to insufficient information being provided to offer clarity on proposed boundary treatments and levels within the plot.

6. Located on the northern side of Silverwood Road, the appeal site is the former carpark associated with the adjoining social club. Enclosed by a blockwork wall to the north and east, a mature hedge runs parallel to the main road with the western boundary undefined at present. This level gravelled area is enclosed by residential properties to the north and east incorporating a mix of single storey and two storey properties.

7. Despite many requests from the Local Planning Authority (LPA), the failure of the appellant to provide a full suite of plans which accurately presented what was proposed on the appeal site lead to confusion and a lack of clarity about the proposed development. The block plan stamped refused offered scant details with

many barely legible on the plans and insufficient details about levels and boundary treatments within and around the appeal site. In particular, confusion resulted about the orientation of the detached bungalows on Sites 1, 2, 7 & 8. The revised plans submitted in the appellant's Statement of Case offered some clarity as did the revised block plan submitted at the hearing which now forms the basis of this appeal.

8. In design terms, the concerns of the LPA related to the main entrance features of the proposed dwellings being orientated not towards the internal road layout but positioned in the side elevation which would be out of character with adjoining developments in the area. This main orientation towards adjacent properties also raised issues about loss of privacy. The revised block plan submitted at the hearing confirm that the 4 detached bungalows would be gable fronted with the principal elevation and entrance orientated towards the development road, mirroring the style and design of properties in the adjoining development at Knockramer Meadows. The semi detached bungalows to the rear of the site also have an entrance in the side elevation but an additional bay window has now been proposed to introduce a feature of interest in the elevation fronting onto the access road. Whilst I acknowledge that Paragraph 3.14 of Creating Places states that the continuity of frontage and the relationship of dwellings to the road has to be addressed, this is only guidance and in promoting a mix of house types and designs, I do not consider this to be fatal to the proposal. All of the 8 units have an adequate curtilage allowing for separation distances which ensure that no overlooking would result between units, subject to the erection of a 1.8m high screen fence along party boundaries. I conclude that as the proposed development does now draw upon the local traditions of form and detail and is in keeping with the character of the area, it does not offend criterion (a) and (g).

9. With regards to Units 3-6, the introduction of a bay window in the main habitable room in the elevation fronting the internal road increases rather than reduces surveillance of the plot and estate. As half of the proposed properties now have their entrances fronting onto the internal road with additional windows introduced in the front elevation of the remainder, I am not persuaded that the development fails to achieve a satisfactory level of security and internal surveillance within this small estate. Regardless of the fact that Units 3 and 6 do not fully front onto the turning head, I consider that the proposed layout is designed to deter crime and promote personal safety. I consider that there is no conflict with criterion (i).

10. The second reason for refusal reinforces the importance of providing adequate details to allow for a proper assessment of the full impact of any development on visual and residential amenities. The scheme as submitted to and considered by the LPA did not clarify the boundary treatments proposed within and around the appeal site or confirm existing and proposed levels within the plot. The appellant's failure to provide these details which were material to the application resulted in confusion and a lack of clarity. At the hearing, the appellant's representative confirmed that the 2.2m high wall which encloses the appeal site to the north and east is to be retained. To address the concerns of the Environmental Health officers about the potential for noise outbreak from the adjoining social club, an acoustic barrier is proposed along the western boundary. The existing levels within the appeal site are to be retained within this level site and in these circumstances, I do not consider cross sections necessary. The revised proposal also seeks to retain most of the conifer hedgerow which abuts Silverwood Road at

a height of 1.8m, protecting the privacy of units 1 & 8 whilst removing a small section either side of the entrance to open up views into the estate. The LPA acknowledged that this would provide an effective buffer, protecting the amenities of Units 1 and 8 whilst softening the overall visual impact of the development. I find no conflict with criterion (b).

11. Criterion (h) of Policy QD1 addresses the issue of residential amenity. The LPA's concern related to the potential for overlooking of adjoining properties as the original block plan showed a new boundary fence enclosing the appeal site, the removal of the roadside hedge and insufficient details about levels. Whilst the appellant's representative confirmed at the hearing that the site levels would be largely unchanged with the 2.2m high boundary wall and existing hedgerow retained, this detail is not reflected on the latest block plan. However I agree with the all parties that the retention of the hedge and wall can be conditioned and subject to ensuring the retention of the existing boundaries, the LPA was satisfied that no loss of amenity would result.

12. Two local residents have lodged objections to the original scheme which incorporated 12 two-storey dwellings. No additional comments were received in response to the reduction in the number of units from 12 to 8 and the lowering the height of each unit to single storey. The existing boundary wall along the party boundary to be retained provides effective screening and given the adequate separation distances, I am satisfied that the introduction of single storey dwellings here would not result in overlooking or loss of privacy of those adjacent properties in Knockramer Meadows. The siting of single storey dwellings due south of No. 15 at a lower level will not adversely impact on their solar panels on the roof. The introduction of single storey dwellings due west of No. 5 would not result in overshadowing given the separation distances and low elevation design. An objector also raised concerns about noise generated by the construction of the development as well as the residents living there in the future. A certain degree of noise nuisance may impact on adjoining residents during the construction period. However this will be for a relatively short period and any short term inconvenience is not sufficient grounds to dismiss the appeal. A certain level of background noise is anticipated in an urban environment and given the appeal site was last used as a carpark associated with a social club, I do not consider that a significant increase in noise and disturbance would result from the proposed development I am therefore satisfied that the appeal proposal complies with criterion (h).

13. The objectors raised a number of other issues. I consider that the reduced number of smaller residential units now proposed will not result in a high density development out of character in the area or generate a significant increase in the volume of traffic using the Silverwood Road. Transport NI are satisfied that a safe access can be provided for the proposed development despite its proximity to the entrance to the larger Knockramer Meadows development. None of these issues raised by the objectors are of such significance as to warrant dismissal of this appeal.

14. I conclude that the appeal proposal as amended finds support in Policy QD1 and the first reason for refusal has not been sustained. As I have been provided with additional details on boundary treatments and levels, the second reason for refusal is not sustained.

15. Turning to conditions, in order to ensure that the residential amenities of existing and proposed residents are protected, the existing wall and most of the roadside hedge should be retained, with a 1.8m high screen fencing erected between each of the proposed units. To further protect the amenities of prospective occupants, an acoustic barrier is required along the western boundary and permanently retained. However the latest block plan (annotated as Drawing PAC1) submitted at the hearing does not accurately reflect what is now proposed with a number of anomalies still apparent. The block plan does not indicate the bay window added to Units 3-6, indicates a boundary fence rather than exiting wall retained and does not show the level of access detail required by Transport NI. Such a careless approach is unhelpful. However I am satisfied that an accurate block plan incorporating all necessary details can be secured by condition. In the interests of road safety and the convenience of road users, no development shall commence until drawings necessary for a Private Streets Determination have been submitted and agreed by the Local Planning Authority.

16. The appeal is allowed, subject to the conditions set out below.

Conditions

(1) The development shall be begun before the expiration of 5 years from the date of this permission.

(2) No development shall take place until drawings necessary to enable a determination to be made in accordance with The Private Streets (Northern Ireland) Order 1980 as amended by The Private Streets (Amendment) (Northern Ireland) Order 1992 have been submitted to and approved by the Local Planning Authority. These plans shall show the following details:
- Coloured layout with carriageway and footways red and service strips green with black hatching;
- Show carriageway spot levels at 10m intervals;
- Show finished floor levels for dwellings;
- Show access radii dimensions;
- Dwelling driveways with a minimum width of 3.2m;
- Show access rumble strip with a 2m depth; and
- Show road drainage, drainage gully positions.

(3) No development shall commence until a 1:500 block plan has been submitted to and approved by the Local Planning Authority showing the bay window in the front elevations of Units 3-6. Once submitted and agreed by the Local Planning Authority, the development shall be carried out in accordance with that approved plan.

(4) The roadside hedge shall be permanently retained at a minimum height of 1.8m as shown on A-B and C-D on Drawing PAC1. The boundary wall shall be permanently retained along the northern and eastern site boundaries.

(5) Prior to the occupation of any dwelling within the proposed development, an acoustic barrier shall be erected along the western boundary of the site as detailed and indicated on Drawing PAC1 and permanently retained.

(6) Prior to the occupation of any dwelling within the proposed development, a 1.8m screen fence shall be erected between the approved dwellings as indicated in red on Drawing PAC1 and permanently retained.

This decision relates to the following drawings:

1:1250 Site location plan date stamped received by the Department on 27-2-2015.
1:50 Floor plans and elevations of detached bungalow date stamped received by the LPA on 27-1-16
1:50 Elevations of semi-detached bungalows (excluding front elevation) date stamped received by the LPA on 27-1-16.
1:50 Amended floor plan and front elevation of semi-detached bungalows submitted with the Appellant's Statement of Case.
1:500 Block plan submitted by appellant at the hearing annotated as Drawing PAC1.

COMMISSIONER PAULINE BOOMER

2016/A0038

List of Documents

Planning Authority:-	LPA1:	Statement of Case
	APP1:	Appellant's Statement of Case and amended drawings.
	APP2:	Amended block plan submitted at the hearing (annotated as Drawing PAC1).

List of Appearances

Planning Authority	Sinead McAvoy, Miriam Clarke, (Armagh City, Banbridge & Craigavon).
Appellant:	Mr Tom Wilson