

Appeal Decision

Appeal Reference:	2021/A0111
Appeal by:	Mrs K. and Mr R. McMorran.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of 2 No. dwellings with garages.
Location:	Land between 29 and 31 Cranny Lane, Portadown.
Planning Authority:	Armagh City, Banbridge & Craigavon Borough Council.
Application Reference:	LA08/2020/0916/F.
Procedure:	Written representations and Commissioner's site visit on 13 th December 2022.
Decision by:	Commissioner Damien Hannon, dated 20 th December 2022.

Decision

1. The appeal is allowed subject to the conditions detailed below.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and rural character.
3. While the statutory development plan designates the appeal site as located in the countryside, it contains no policies relevant to the appeal proposal. Furthermore, there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS) and retained policy regarding issues raised by this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
4. The appeal site is a rectangular plot of land with a 53 m frontage onto a dead-end laneway which branches off Cranny Road. The laneway serves three dwellings, one of which (No. 33), is part of a farm group. The appeal site is bordered to the north by the curtilage of No. 29, a detached dwelling and detached garage with a 65 m frontage onto both the Cranny Road and the laneway. No. 31, a detached dwelling and garage with a 34 m frontage onto the lane borders the appeal site to the south.
5. Policy CTY 1 of PPS 21 sets out a range of types of development which are acceptable in principle in the countryside. The appellant argued that the proposal complied with Policy CTY 21 as the development of a small gap site in accordance with Policy CTY 8. Policy CTY 8 of PPS 21 states that a building which creates or adds to a ribbon of development can cause a detrimental change to, or further erode the rural character of an area and that consequently, such development is to be resisted. The road frontage buildings comprising the dwellings and garages at

Nos, 29 and 31 form a ribbon of development. Policy CTY 8 however, adds that exceptionally, permission will be granted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, provided the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.

6. The principle of residential development on the site has been established by the grant of outline planning permission for a dwelling and garage in August 2018 (reference LA08/2018/0301/O). It is apparent that the Council consider that one dwelling and garage on the site would meet all the requirements of Policy CTY 8. Also, there is agreement that the appeal site is a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. The Council however, argued that the proposal for two dwellings and garages would not meet one of the requirements of Policy CTY 8, as it would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. No case was advanced that the appeal proposal fell within any of the other categories of acceptable development set out in Policy CTY 1 and consequently the Council argued that the appeal proposal for two dwellings and garages was not acceptable in principle.
7. The relevant frontage, as existing, comprises two detached dwellings and their garages in individual plots, separated by the open appeal site. This layout displays a dispersed pattern of rural residential development. Based on the submitted evidence and in the absence of sustainable argument to the contrary, I consider the approval of the single dwelling and garage on the appeal site (reference LA08/2018/0301/O), to constitute a valid fallback position. Where this permission implemented, the pattern of development along the relevant frontage would comprise a row of three road frontage, detached dwellings, and garages which would present as a more concentrated and suburban pattern of development. In these circumstances, the issue is therefore whether four dwellings and garages, as proposed, would, compared to fallback position of three, give rise to an unacceptably harmful change to rural character through failure to respect the development pattern along the frontage.
8. No. 29 has a road frontage almost twice the length of that of No 31. The dwelling at No. 31 is roughly L shaped and sited at right angles with the narrow gable facing the road. The implementation of the fallback approval would change the character of the immediate area from one characterised by two dispersed dwellings to a ribbon of three dwellings and garages in a more concentrated layout. The proposal would add to this ribbon of development. However, Policy CTY 8 has a permissive element that is engaged when certain circumstances are met. The two proposed single storey dwellings and garages on the appeal site are of a similar design, siting, orientation, and plot width as No. 31. In these circumstances and having inspected the area, I conclude that the addition of a fourth as proposed, would, given the similarity of in terms of size, scale, siting and plot width with No. 31, present as respectful of the development pattern. I further conclude that, provided provision of the proposed landscaping is secured by condition, four dwellings within the same built envelope would not present as unacceptably more harmful to rural character than three. The proposal would therefore be acceptable in principle in the countryside as the development of a small gap site in accordance with Policy CTY 8. The Council's first and second

reasons for refusal, based on Policies CTY 1 and CTY 8 of PPS 21 are not therefore sustained.

9. The Council argued that the proposal for two dwellings would be suburban in character and would therefore not visually integrate into the surrounding landscape or respect the traditional pattern of development exhibited in the area. The Council further argued that the proposal would consequently result in detrimental change to rural character contrary to Policies CTY 13 and CTY 14 of PPS 21. However, suburban style development has been sanctioned by recently approved development and I have already concluded that while the proposal would add to a ribbon of development, it would not give rise to unacceptable damage to rural character. The Council's third and fourth reasons for refusal, based on Policies CTY 13 and CTY 14 of PPS 21 are not therefore sustained.
10. In the interest of road safety, provision of the required access and car parking arrangements should be secured by condition. I am not persuaded that it would be necessary to prohibit by condition, any wall or fence bounding Cranny Lane given that any such structure above one metre in height would require Council consent. There is no suggestion that adequate provision for sewage disposal at the site cannot be made. The matter of the detailed specification of such provision is covered by the Water (NI) Order 1999 and is therefore out with the scope of this appeal. In the absence of sustained objection, the appeal succeeds.

Conditions

1. During the first planting season after the dwellings are occupied, the scheme of planting as illustrated by the 1:500 scale 'Design Concept Details' numbered 03 received by the Council on 19th August 2020 shall be carried out. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
2. The visibility splays, access arrangements and car parking provision shown on the approved 1:500 scale 'Design Concept Details' numbered 03 received by the Council on 19th August 2020 shall be laid out before occupation of the dwellings and thereafter permanently retained.
3. The development shall be begun before the expiration of five years from the date of this permission.

This decision approves the following drawings received by the Council on 19th August 2020:-

- 1:2500 and 1:500 scale Location and Site Maps numbered 01.
- 1:500 scale 'Site as Existing' numbered 02.
- 1:500 scale 'Design Concept Details' numbered 03.
- 1:100 scale 'Elevations as Proposed' Numbered 04
- 1:100 scale 'Proposed Floor Plan' Numbered 05

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority:-

COU 1 Statement of Case
COU 2 Rebuttal

Appellant:-

APP 1 Statement of Case
APP 2 Rebuttal