

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by Eric Woods
against the refusal of full planning permission for the erection of a detached garage
at 16 Dobbin Road, Portadown**

**Report
by**

Commissioner Cathy McKeary

Planning Authority Reference: LA08/2021/1266/F

Procedure: Written Representation

Commissioner's site visit: 10th January 2023

Report Date: 1st March 2023

1.0 BACKGROUND

- 1.1. Armagh City, Banbridge and Craigavon Borough Council received the application on 16th August 2021. By notice dated 16th December 2021, the Council refused permission giving the following reason:

The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 7 – Addendum – Residential Extensions and Alterations; Policy EXT1, in that the garage would, if permitted, detract from the appearance and character of the surrounding area. The garage is not subordinate to the dwelling and would not be sympathetic to built form and appearance of the existing property by reason of its scale, massing and design.

- 1.2. The Commission received the appeal on 14th April 2022 and advertised it in the local press on 6th May 2022. There were no representations from any third parties at either application or appeal stage.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site is in the countryside approximately 1.6km south west of Portadown. It takes access from a minor road that runs parallel to the Dobbin Road. Within the site is a hipped roof single storey dwelling and a single storey flat roofed detached garage. The remainder of the site is covered with hardstanding. The south eastern boundary is a wall approximately 1 metre high with decorative metal railings on top. The south western boundary is a wall which starts at around 1 metre high adjacent to the road and then gradually increases in height to the rear. The north eastern and western boundaries consist of hedges between 1 and 1.5 metres high.
- 2.2 The appeal site is located within a line of development mainly comprising dwellings with some commercial developments which sit along the minor road. There are a pair of semi-detached dwellings immediately adjacent to the north east of the site. Beyond those is a petrol filling station and shop. This is followed by a field and a large commercial complex with retail units which abuts the Mullantine Road. To the south west of the site, there is a detached dwelling and a further pair of semi-detached dwellings. Beyond these is a vacant site currently in grass and a hot food takeaway adjacent to an area of car storage and agricultural style buildings. Further to the south west is a fireplace sales premises at the junction of Dobbin Road and the Drumnasoo Road. There is open countryside to the north of the site and beyond the Dobbin Road to the south.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The site is at 16 Dobbin Road, Portadown. On the site there is a detached bungalow, with a hipped roof, front storm porch, and detached garage to its north western corner. The dwelling is located on a substantial site that is currently set in hardstanding. The dwelling fronts onto the main Portadown/Armagh Road and is accessed via a roadway that runs parallel with this road and is located in a row of bungalows both detached and semi-detached. To the east there is a petrol filling station.

- 3.2 The dwelling is set back from the roadside some 20 metres and is set approximately 24 metres from its eastern boundary. The separation distance from the rear boundary and the dwelling is approximately 2 metres. The dwelling sits approximately 1 metre above road level and is enclosed along the roadside by a low wall with railings on top. The remaining boundaries are defined by mature hedging of approximately 1.5 metres in height. At the time of site inspection there were three storage containers, a car hoist, forklift and two lorries on site.
- 3.3 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.
- 3.4 The site is located outside any settlement defined in the Craigavon Area Plan 2010. The Craigavon Area Plan does not contain any designation or zoning affecting the appeal site; it is silent in respect of proposals of the subject nature. Other planning policy context for the proposal is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS).
- 3.5 The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. As the application site is not zoned for any specific purpose in the plan (i.e. white land) the SPPS and Policy EXT 1 as defined by the Addendum to PPS 7 Residential Extensions and Alterations (the Addendum) applies.
- 3.6 The SPPS supports the principle of good design and states that poor designs will be rejected, particularly where a proposal is inappropriate to its context or incompatible with its setting. The SPPS makes it clear that the provisions of, inter alia, the Addendum will continue to apply until such time as a new development plan is in place for the Armagh City Banbridge and Craigavon Borough Council area.
- 3.7 The Council cites policy EXT1 'Residential Extensions and Alterations' of the Addendum in its reason for refusal. The policy states that planning permission will be granted for a proposal to extend or alter a residential property where various criteria are met. These include, inter alia, (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. The policy also states that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the listed criteria.
- 3.8 In this case Policy EXT1 of the Addendum, paragraphs A11 to A13 of Annex A relating to 'Garages and other associated outbuildings' are relevant. Paragraph A11 states that buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should

be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side.

- 3.9 The overall aim is to encourage high quality design. To ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting. In relation to the garage, in accordance with paragraph A11 of the addendum, outbuildings within a residential curtilage should be similar in style to the existing property. This involves taking account of materials, the local character and level of visibility of the building from surrounding views.
- 3.10 The agent was contacted to advise of concerns in relation to the proposal. Amended plans were received that reduced the garage slightly from the original submission of 216 square metres to 168.75 square metres. A drawing showing the proposed use for storing private cars was also submitted. A letter from the agent also listed a number of vehicles that were to be stored in the proposed garage and explained the reduction in size of the proposal. Council considers that the scale of development proposed is not in keeping with the residential unit. The list of vehicles provided does not verify ownership of the vehicles, however, even if evidence on ownership were submitted, this would not outweigh the Council's concerns regarding the impact of the proposed development on the appearance and character.
- 3.11 In respect of Criteria (a) of Policy EXT1 the reference to “*residential property*” and “*existing property*” suggest that the baseline against which the proposed extension is to be assessed is the dwelling itself and not surrounding buildings. The proposed building is not sympathetic to the existing property and area. The existing dwelling has a ridge height of 5.1 metres to finished floor level. The proposal is for a detached domestic garage that has a ridge height of 4.5 metres from ground level, a frontage of 13.5 metres and depth of 12.5 metres. On the front elevation there will be three roller shutter doors, the central door being 3.5 metres high and 3 metres wide. The other two doors are 3 metres high and 3 metres wide. There is a single door on one side of the building. The garage will be finished with, a render to match the existing dwellings walls, and a powdercoated sheet roof and doors. The garage will be sited to the north east of the existing dwelling and will be set in line with the building line of the existing dwelling.
- 3.12 The proposal would not be subordinate to the dwelling given that it has a footprint of 168.75 square metres while the main dwelling has a floor space of approximately 155 square metres. The proposed building is overly large and would dominate the existing dwelling, leaving very little amenity space. The massing and design of the proposed extension is not considered to be acceptable in proportion and context to the host dwelling. The external materials proposed are not sympathetic to the built form due to the scale and use of three large roller door openings. As a whole, the proposed extension will detract from the character of the host property and surrounding area.
- 3.13 The proposal would not be sympathetic to the built form and appearance of the existing property by reason of its scale massing and design therefore failing policy EXT 1 of the Addendum.
- 3.14 With regards to the wider area, the adjoining sites on both sides (east and west) are residential. The appellant has identified a large domestic garage at No.18/18a

Dobbin Road. This building does not have any planning history and has been in situ since pre 2003. Garages and commercial properties which are sited in the wider location are considered under separate planning policy.

- 3.15 Having considered this additional information and revised scheme Council remain of the opinion that the proposal fails the policy tests of Policy EXT1 as detailed above and recommend refusal.
- 3.16 The Council requests that if the Commission decides to allow this appeal, that a condition limiting the use to domestic use be attached to the approval in addition to the standard conditions.

4.0 APPELLANT'S CASE

- 4.1 The planning application has been assessed against Policy EXT1 of the Addendum. Policy EXT1 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met: a) The scale, massing design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. In respect of Criterion (a) the Council considers that the reference to residential property and existing property suggest that the baseline against which the proposed extension is to be assessed is the dwelling itself and not surrounding buildings. It considers that the proposed building is not considered to be sympathetic to the existing property and area. It is the Council's opinion that the proposed building will be overly large and will dominate the existing dwelling, leaving very little amenity space. Council also considers that the massing and design of the proposed extension is not acceptable in proportion and context to the host dwelling. They consider that the external materials proposed are not sympathetic to the built form and as a whole the proposed extension will detract from the character of the host property and surrounding area.
- 4.2 Annex A of the Addendum provides guidance for residential extensions and alterations. Policy EXT1 of the Addendum says that it will be taken into account when assessing proposals in the context of criterion (a) thereof. Paragraph A11 applies to associated outbuildings. It requires that the structures be subordinate in scale and similar in style to the existing property taking account of materials the local character and its level of visibility from surrounding views. The Council considers that by virtue of its size, massing and design the garage is not subordinate in scale to the host property, as detailed above the proposed garage is large when compared to the size of the host property. The Council also considers that it will also be readily visible from the Dobbin Road.
- 4.3 In response to criterion (a) and Annex A the host property is set in a semi-rural location with a number of dwellings in the area of the property setting a precedent with substantial outbuildings. The character of the area is a mixture of cottages with domestic outbuildings and larger commercial properties into which the appellant feels that this building will sit. The appeal site is not in a fully rural location it is in fact surrounded by several commercial buildings. The Council states that the baseline against which the development should be assessed is the existing property and not the surrounding buildings. The appellant disagrees and suggests that the surrounding context is critical in assessing the proposed development and asks that

a site visit be carried out to obtain a greater appreciation of the nature of the area whilst the development sits outside any defined settlements in the Craigavon Area Plan 2010 (CAP).

- 4.4 The materials were chosen to both be complementary to the existing property as well as match existing materials for buildings along the Dobbin Road. The external walls of the property will be rendered and painted to match the existing residential building and the dark grey sheet roofing will be minimally visible from the road given the orientation of the garage and will tone with the existing concrete slate roof on the property. There are a number of metal sheet clad buildings on neighbouring sites, therefore there is precedent for use of this material in the area. The roller doors proposed will be of domestic style and will sit within the context of the Dobbin Road.
- 4.5 The footprint of the building is large however as documented in the appellant's letter accompanying the statement of case, the function of the proposed building is to store a classic car collection and therefore it requires a sizable footprint to be fit for purpose. The appellant has endeavoured to keep the eaves level in keeping with the existing dwelling and has ensured that the ridge height will not be higher than the existing dwelling. Overall, the proposed garage will not dominate the host house and will not be out of character on the wider Dobbin Road context.
- 4.6 The appellant provided a map showing the uses of properties within a 500 metre radius of the site on the Dobbin Road and these include large domestic and commercial buildings. Most notably there is a used car forecourt with mechanics garage and a petrol station both located closer to the Dobbin Road than the proposed building. The site does not sit directly adjacent to the Dobbin Road 40 metres (not 20 metres as stated by the Council) from the main carriageway, therefore reducing the impact of the building on the main road. This is only a service road and the building should be judged on its distance from the main arterial route.
- 4.7 The proposed building, whilst forward of the front elevation of the dwelling at 16 Dobbin Road, is not forward of the established building line at Nos. 12 and 14 Dobbin Road which are situated further forward. The proposal does not unduly effect the privacy or amenity of neighbouring residents.
- 4.8 In respect of Criteria (b) the Council having visited the application site and in consideration of the scale of the extension and disposition of windows is satisfied that the proposed extension will not unduly affect the privacy or amenity of neighbouring residents. There are no concerns with regard to dominance or overshadowing/loss of light. The Council considers that neighbouring residential amenity will not be unduly affected given the separation distances and boundary treatments this is based on the building being used for the storage of vehicles as stated by the agent.
- 4.9 In respect of Criterion (c) the Council is content that there are no landscape features on the application site that will be lost as a result of this proposed extension in that regard there will be no impact upon environmental quality as a result of this proposal. The proposal will not cause the unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality. They are also content that sufficient space remains within the curtilage of the property for

recreational and domestic purposes including the parking and manoeuvring of vehicles.

- 4.10 In respect of Criteria (d) the Council in their development management officer report is not content that the proposed extension will leave a sufficient amount of private amenity space at the host dwelling in light of construction of the proposed extension. There will be no reduction in the loss of parking spaces and the manoeuvring of vehicles will not be altered as a result of this proposal. The appellant highlights that they are not proposing to remove any of the existing private space to the rear of the property. The proposed development is located to the right-hand side of the property and will be constructed on an existing area of exposed hard standing. As stated within the development management officer report there is no reduction of the car parking provision in any way and there will still be a considerable portion of the current hard standing remaining for amenity purposes. The proposal is considered by the Council to fail to comply with all aspects of Policy EXT1. Whilst the appellant contests that the application fails any aspects of the Policy EXT1 it should be noted that even within the planning officers report it states the proposal does not fail criterion (b) and (c) of the policy.
- 4.11 The only condition requested is that the building is authorised solely for domestic use. The planning officer's site inspection may have led them to the incorrect assumption that there was commercial activity happening on the site. The appellant believes that the fear of commercial usage has been an influencing force behind the decision to refuse permission for this development, therefore, would further take the opportunity to reinforce that this is not a commercial enterprise. To further emphasise this the appellant enclosed a document which states that this is not a commercial enterprise. He is private collector of classic cars, in this he details the year, type and registration of each car and states that he has no commercial ambitions. Hopefully these statements would remove fears of commercialisation and that the proposal can be approved as a private storage facility for a collection of classic vehicles.
- 4.12 The case hinges on the opinion regarding whether or not the building sits comfortably within the global context of Dobbin Road and the more focused context of the existing property. This is a purely a differing of opinion regarding the architecture of the proposed development and not any measurable criteria. The appellant requests that the proposed use of the development to store a private car collection would be considered and again asks for a site visit to be organised for all parties to better understand the area.

5.0 CONSIDERATION

- 5.1 The main issue in this appeal is whether the development would detract from the appearance and character of the surrounding area due to its form and appearance.
- 5.2 Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

- 5.3 The Craigavon Area Plan 2010 (CAP) operates as the LDP wherein the appeal site is located. In it the appeal site is in the countryside within greenbelt. Policy COU1 in CAP relates to development within the greenbelt. However, with limited exceptions, regional policy takes precedence over the policy provisions of greenbelts contained in the existing statutory plan. Therefore, policy COU1 from the CAP, which is not one of these exceptions, has no determining weight in the consideration of this appeal. The plan is silent on the type of development proposed, as such the proposal would be in accordance with the acting LDP.
- 5.4 The SPPS sets out transitional arrangements that will operate until a Plan Strategy for the Council area is adopted. During the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs) including Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) and the Addendum to PPS7 (the Addendum). Even though the appeal site is within the countryside, the Council has failed to engage with PPS21 which deals with development in the countryside and have solely relied upon the Addendum. Given that the SPPS is no more prescriptive than retained policy insofar as it relates to the appeal development, in the evidential context the Addendum provides the relevant policy context for assessing this appeal.
- 5.5 The preamble to the Addendum indicates that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property, are captured by its provisions. The Council considers that the development does not comply with the requirements of criterion (a) of Policy EXT1 of the Addendum to PPS7. Policy EXT1 states that planning permission will be granted for a proposal to extend or alter a residential property subject to four criteria. The only issue raised in the context of this appeal is criterion (a). It requires that, *“the scale massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area”*. The policy headnote advises that the guidance in Annex A will also be taken into account when assessing proposals. In this case Paragraphs A11, A12 and A13 are of relevance.
- 5.6 Criterion (a) of Policy EXT1 requires that the proposal is sympathetic with the built form and appearance of the existing property and (my emphasis) will not detract from the appearance and character of the surrounding area. Therefore, the proposal must be considered in relation to both the existing property on the site, which in this case is a dwelling, and the character of the area. It must satisfy the policy requirements in relation to both elements of the policy.
- 5.7 Para A11 requires that proposals should be *“subordinate in scale and similar in style to the existing property,”*. The scale and massing of the proposed garage would be very similar to that of the existing dwelling and its size would be emphasised due to its position slightly forward of the building line. The garage is proposed to house vehicles including classic cars, however, its proposed height, depth and triple roller shutter door construction would be more akin to an industrial type shed. It would not be of a domestic scale nor would it complement the design of the existing dwelling. It would not be subordinate to the existing dwelling, rather in my view it would dominate it. The use of render for the elevations would be sympathetic with the existing dwelling, however, the use of powder coat sheet roofing would not be in keeping with the tile roof of the dwelling nor would its proposed roof profile. Given

the scale, and massing of the proposed garage, it would over dominate the front of the property and would detract from the street scene. Overall, the scale, massing and design would not be sympathetic with the built form and appearance of the existing property for the reasons stated.

- 5.8 The wider area comprises a mix of land uses with a variety of size and scale of buildings. However, the immediate area is domestic in nature. The design of the garage would be particularly incongruous in relation to its position in the midst of the adjacent residential sites and it would detract from their domestic setting and character when viewed from the minor road from where the site takes access. Whilst views from the main Dobbin Road would be fleeting, they would be direct, and the proposal would still read as incongruous given its setting within a line of some six domestically scaled buildings.
- 5.9 The large garage at 18/18a Dobbin Road is distinguishable from the appeal proposal in that it has one roller shutter door and is located to the rear of the dwelling and its level of visibility is less than the appeal proposal would be. Also, it does not detract from the appearance and character of the surrounding area. I am satisfied that the presence of that garage would not justify the grant of planning permission for this proposal. Commercial proposals in the vicinity would fall to be decided under a different policy context and therefore cannot be compared to the appeal proposal. The appellant has also supplied a list of cars that he owns that he considers justify the need for the garage. I am not persuaded that need outweighs the failure of the proposal to comply with planning policy or represents an overriding material consideration in the appeal. Even though the appeal proposal would accord with the LDP, the more recent regional policy outweighs its provisions. I note the appellant opted for an accompanied site visit at appeal stage. However, the Commission has not facilitated this procedure since the pandemic. In any event I have undertaken a thorough site visit and have considered all material considerations raised in the appeal.
- 5.10 Overall, the development does not comply with criterion (a) of Policy EXT 1 of the Addendum to PPS7 for the reasons given. Therefore, the reason for refusal is sustained.

6.0 RECOMMENDATION

6.1 I recommend to the Commission that the appeal be dismissed.

6.2 This recommendation relates to the following drawings:-

Drawing No.	Title	Scale	Date
0001 revision a	Site location Plan	1:1250	Stamped received by Armagh City, Banbridge and Craigavon Borough Council on 16 th August 2021
1001 revision a	Proposed & Existing Site Block Plan	1:250	Stamped received by Armagh City, Banbridge and Craigavon Borough Council on 2 nd December 2021

1002 revision a	Proposed layout	1:100	Stamped received by Armagh City, Banbridge and Craigavon Borough Council on 2 nd December 2021
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List of Documents

Planning Authority:-

“A” – Statement of case for Armagh City, Banbridge and Craigavon Borough Council

“A1” – Rebuttal for Armagh City, Banbridge and Craigavon Borough Council

Appellant:-

“B” – Statement of case by Aaron Shannon Architecture on behalf of Mr Eric Woods

“B1” – Statement of case by Aaron Shannon Architecture on behalf of Mr Eric Woods

