
Appeal Reference:	2023/A0115
Appeal by:	Geoffrey and Irene Gray
Appeal against:	The refusal of reserved matters
Proposed Development:	Dwelling and garage
Location:	340m North of 38 Shaneoguestown Road, Dunadry
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2023/0735/RM
Procedure:	Written representations and Commissioner's site visit on 5 th September 2024
Decision by:	Commissioner Gareth Kerr, dated 10 th September 2024

Decision

1. The appeal is allowed and the reserved matters are granted, subject to the conditions set out below.

Reasons

2. The main issue in this appeal is whether the design of the dwelling is appropriate for the site and its locality.
3. The appeal site is relatively flat and situated towards the rear of a roadside field accessed from the Shaneoguestown Road, approximately 500m south of Dunadry. To its immediate north is a farm shed (approved under application LA03/2020/0253/F on 1st September 2020) approximately 6.5m high and a hardcored yard area. The eastern site boundary is marked by a mature hedge approximately 3m to 4m in height. The southern and western site boundaries are not defined on the ground. Outline planning permission was granted for a dwelling on a farm with a detached garage and associated works under application LA03/2022/0687/O on 23rd March 2023. The permission was subject to nine conditions including a siting condition and a maximum ridge height of 6.5m above finished floor level (plus 0.3m of underbuilding). Existing natural screenings were to be retained and new planting provided. Access is to be taken off the existing farm entrance from Shaneoguestown Road.
4. The appeal seeks approval of reserved matters for a dwelling and garage on the site. The proposed dwelling is single storey with a T-shaped plan-form. It would have a ridge height of 5.4m above finished floor level plus 0.25m of underbuild. It would be orientated with its front elevation facing north towards the farm shed. Its gable and rear return would face the road to the west. There would be a double garage to the north and private amenity space to the south of the dwelling. A scheme of

planting is proposed to the south and west boundaries. The Council refused the application as it considered that the design of the building was inappropriate, mainly because the western elevation facing the road would be dominated by the rear return and it would contain significant areas of glazing.

5. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6. The Antrim Area Plan 1984 – 2001 (AAP) continues to operate as the LDP for the area in which the appeal site is located as the Council has not yet adopted a Plan Strategy. In it, the site is in the countryside and within the Antrim green belt. However, the preamble of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) states that its policy provisions will take precedence over green belts designated in existing statutory development plans. As the rural policies in the LDP are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the LDP that are material to the determination of the appeal.
7. Regional planning policies of relevance to this appeal are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and other retained policies within PPS 21. Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. The SPPS also indicates that the design guidance in *Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside* is a material consideration.
8. Policy CTY13 of PPS 21 relates to integration and design of buildings in the countryside. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Instances where a new building will be unacceptable include, *inter alia*, where the design of the building is inappropriate for the site and its locality. Paragraph 5.67 of the Justification and Amplification to this policy states, “The most successful rural designs are those which are based upon simple shapes and forms of traditional buildings. It is however acknowledged that there will also be opportunities for contemporary or innovative design which results in the provision of high quality more environmentally friendly buildings provided the overall design and orientation are acceptable.” Paragraph 5.65 indicates that in a flat landscape, poor design carries with it a greater potential for adverse impact on visual amenity and rural character.
9. Policy CTY14 concerns rural character. It states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Paragraph 5.76 of the Justification and Amplification to this policy states that one building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.

10. The Council's main concern is the design of the west-facing elevation which will be visible from the Shaneoguestown Road. It considers that the rear return of the dwelling would read like a front projection from critical viewpoints along the road, that it would read as having a combination of a hipped and gabled roof and that the sizable patio doors, canopy and corner window have too much of a horizontal emphasis and would appear suburban in nature.
11. The appellants point out that the dwelling is of relatively simple design and would be over a metre lower than the outline conditions allow for. The patio doors will facilitate solar gain from the south/west into the main living areas. They state that when viewed from the Shaneoguestown Road, the development would have the benefit of rising ground and mature trees and hedges to the rear and a larger agricultural building to the north. Views are for a relatively short distance and screening is provided by the roadside hedge which will remain. The proposed new planting around the appeal site would further assist integration. They also state that there are many examples of dwellings with contemporary design, gable frontages and highly glazed façades in the *Building on Tradition* design guide and refer to other examples of dwellings with such features approved by the Council.
12. The design of the dwelling utilises a simple T-shaped plan-form with a narrow gable depth which helps to minimise the overall massing of the building. The steep pitched natural slate roof with clipped eaves and verges and the white smooth rendered walls represent a simplicity of form found in many traditional rural buildings. It is also common for farm houses in Ulster to face towards agricultural buildings opposite and have their gable towards the road, so I see no difficulty with this approach. I do not accept the Council's view that the roof of the building will look part gabled and part hipped when viewed from the west. While it may appear this way in a 2D elevation, when viewed in 3D in the landscape, it will be clear that the roof is formed by traditional gables and that the rear return is set back by almost 5m from the southern gable. I agree with the appellants that similar forms are promoted in the design guide. The orientation of the building is deliberate to allow for passive solar gain to the main living areas as recommended in the design guide.
13. With regard to glazed openings, while the opening containing the patio doors would be quite broad, the arrangement of window and door framing will ensure that it has a vertical emphasis. Notwithstanding that the corner window is a non-traditional feature, I note that such features can be successfully incorporated into modern traditional forms as shown on page 123 of *Building on Tradition* and a wide mullion will ensure that it has a vertical emphasis. Therefore, it would not warrant refusal of the application on design grounds. The canopy over the patio doors is a relatively modest feature, set well back from the gable, which does not detract from the overall design concept.
14. Due to the presence of a mature field boundary approximately 70m south west of the appeal site and existing hedges and the farm shed to the north of the site, the development will be mainly viewed from a 100-metre stretch across the frontage of the host field. As no works are required at the entrance, the low roadside hedge will remain providing some screening. Longer range views from further south on Shaneoguestown Road would be filtered by existing hedges and the dwelling would appear subservient to the larger agricultural shed. The development would also have the backdrop of a mature hedge with trees and rising land beyond it.

15. Additional planting is proposed to the west and south of the dwelling including trees of 3m to 5m in height at the time of planting. These would provide immediate screening effect to the 5.65m high dwelling which will improve as they mature. Conditions attached to the outline approval require implementation of the planting scheme, replacement of any trees dying or removed within five years and retention of the eastern hedge boundary. Adherence to these conditions would ensure that the dwelling would have a suitable degree of enclosure to integrate into the landscape and it would not be unduly exposed in public views. It would blend with the landform, existing and proposed planting and the adjacent farm shed. The design draws on traditional rural forms while applying contemporary principles like passive solar gain to make it more environmentally friendly. I consider that it is appropriate for the site and its locality and that it will not harm the rural character of the area. Accordingly, the Council has not sustained its sole reason for refusal.

16. The parties referred to design features including front projections on nearby dwellings on Shaneoguestown Road and other recent approvals by the Council, full details of which were not provided. As I have found the proposed design acceptable for the appeal site on its own merits, I do not need to compare the merits of other examples to see if they outweigh any failure to satisfy the policy requirements.

17. The Council provided no draft conditions for consideration in the event that the appeal was to be allowed. It is necessary to impose the standard time limit for commencement of development as set out in Section 62 of the Act. Landscaping requirements are already conditioned under the outline approval as set out above. Access to the site was a reserved matter, but visibility splays of 2.4m x 33m were shown on the stamped approved plan, so I cannot insist on the more onerous y-distance of 70m referred to in the DfI Roads consultation response. The access to the site from Shaneoguestown Road is already in place to serve the agricultural shed, but a condition is necessary to ensure that the visibility splays are kept clear in perpetuity. It is not necessary to condition the gradient of the access as the site is flat. The appeal succeeds and the reserved matters are granted, subject to the following conditions.

Conditions

- (1) The access with visibility splays of 2.4m x 33m, as shown on the approved drawing No. 03, shall be permanently retained and kept clear.

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of this decision, or the expiration of five years from the date of the grant of outline planning permission, whichever is the later.

This decision is based on the following drawings:-

Drawing No.	Title	Scale	Received by Council
01/1	Location Map	1:2500	11 Dec 2023
02/1	Elevations and Floor Plans	1:100	17 Nov 2023
03	Block Plan	1:500	11 Dec 2023

COMMISSIONER GARETH KERR

List of Documents

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|----------------------|---|---------------------------------------------------------------|
| Planning Authority:- | A | Statement of Case
Antrim and Newtownabbey Borough Council |
| | B | Rebuttal Statement
Antrim and Newtownabbey Borough Council |
| Appellants:- | C | Statement of Case
Richard Burnside Architecture |
| | D | Rebuttal Statement
Richard Burnside Architecture |