

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

**ITEM NO** 13  
**APPLIC NO** LA07/2015/1346/F Full **DATE VALID** 12/16/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Brian McAlerney **AGENT** Barry Gray )Gray  
 Design Ltd) 5  
 Edward Street  
 Newry  
 BT35 6AN

**LOCATION** Lands 235m south west of 117 Bann Road  
 Castlewellan  
 BT31 9AE

**PROPOSAL** Proposed replacement dwelling

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
			<b>Addresses Signatures</b>		
			0	0	0
			<b>Addresses Signatures</b>		
			0	0	0

- 1 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distances (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Departments Development Control Advice Note 15.
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3, in that it would, if permitted create an additional access onto a Protected Route as there is no evidence of an existing vehicular access
- 3 The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY13 and CTY14, in that the proposed access does not integrate with its surroundings.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/1346/F

**Date Received:** 16<sup>th</sup> December 2015

**Proposal:** Full planning permission is sought for a replacement dwelling

**Location:** Lands 235m south west of 117 Bann Road, Castlewellan

**Site Characteristics & Area Characteristics:**

The site is located within the Mourne AONB and within the buffer area of an archaeological site and monument – DOW 042:066. The site is situated on lands to the west of the Bann Road (Protected Route). The field is set back approximately 130m from the road and is on elevated lands with the lands rising steeply in a westerly direction for the first 40 to 50m before beginning to level off. Due to this topography the existing dwelling is not visible from the Bann Road. Access to the site is gained through a large agricultural field. No evidence was apparent on site of a previous laneway existing at this location.

The area has a dispersed settlement pattern with a mix of detached dwellings and farm buildings dotted within the drumlin landscape.

**Site history**

No relevant history on the application site or adjacent lands.

Neighbour notification were issued on 21<sup>st</sup> December 2015 and checked on site on the 23<sup>rd</sup> February 2016. The application was advertised in accordance with the Councils statutory obligations on 20<sup>th</sup> January 2016.

**Consultations**

Roads Service – Refusal adequate forward sight distances not available – 16<sup>th</sup> May 2016

NIW – no objections subject to informatives – 30<sup>th</sup> December 2015

Environmental Health – no objections - 8<sup>th</sup> January 2016

Rivers Agency – no objections – 11<sup>th</sup> January 2016

NIEA – no objections subject to conditions/informatives – 6<sup>th</sup> January 2016

## Representations

No letters received from third parties to date (9<sup>th</sup> May 2011) of consideration.

## Principle Planning Policy

The relevant planning policy and guidance which relates to the application is as follows:

Banbridge / Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3- Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

Creating Places – Achieving Quality in Residential Developments

Building on Tradition – A Sustainable Design Guide for Northern Ireland

## Consideration and Assessment

The main issues to consider in the determination of this planning application are:

- Principle of Development
- Design and scale
- Access and Parking
- Impact on Residential Amenity

## Principle of Development

As there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes replacement dwellings if they are in accordance with Policy CTY3.

CTY3 - In order to meet this policy it must be demonstrated that the building to be replaced is or was a dwelling and exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

It is apparent from the attached photographs which were taken as part of the site inspection carried out on 23<sup>rd</sup> February 2016 that all external structural walls of the dwelling are substantially intact. I am therefore satisfied that this building displays the minimum standards of this policy test and thus meets the criteria for replacement category as outlined in CTY3.

**Siting** – Policy CTY3 differentiates between normal replacement cases and non-listed vernacular dwellings and Annex 2 of PPS21 outlines the characteristics of vernacular dwellings. While the current structure does exhibit some of these characteristics such as linear form with limited gable depth and the chimneys expressed along the ridgeline, the dwelling does not, in my opinion, make an important contribution to the heritage, appearance or character of the area, being screened from any public vantage point. I do not therefore see any merit in retaining the structure or incorporating it into the new scheme.

In addition to the above tests the policy also requires that the replacement dwelling should be sited within the curtilage of the approved dwelling where possible. The proposed dwelling is located in part on the original footprint of the existing dwelling and is therefore in line with policy. Further to the site inspection a defined existing curtilage was not apparent with the existing dwelling being located in the northern section of a large agricultural field. The boundaries shown on the proposed site layout to the north, east and west would in my opinion reflect a suitable curtilage. The boundary indicated to the south would be approximately 20m from the southern elevation of the dwelling and although this would create quite a generous curtilage similar plot sizes can be found all around the countryside.

### **Design and scale**

The proposed dwelling has a linear appearance measuring 15.5m with a further section stepped back and down from the main building line adding a further 4.7m to the overall length of the proposal. The main body of the dwelling has a gable width of 9m which increases to 12.7m when the front porch and rear projection are considered. It is my opinion that the design is rural in form and design and is similar to many rural dwellings found within the countryside. All windows along the front projection have a vertical emphasis with a strong solid to void ratio. The proposed materials as indicated on drawing number LA07/2015/1346/03 are acceptable at this location.

### **Impact on Residential Amenity**

Within the proposed curtilage there is sufficient private amenity space provided to the rear of the dwelling.

Due to its isolated siting the proposed dwelling would not create a negative impact on any neighbouring residential amenity. Given the separation distance, scale and positioning of the dwelling it is also considered that there will be no loss of light or overshadowing of neighbouring properties. Consequently it is considered that the proposed development will have no adverse impact on neighbouring properties

### **Access, Movement and Parking**

In Transport NI's initial consultation response dated the 22<sup>nd</sup> January 2016 they advised that the proposal was contrary to PPS3 in that the required visibility splays and forward sight distances could not be provided. The agent was advised of this and further plans were submitted showing an amended access. The drawings submitted on 18<sup>th</sup> March 2016 showed a new access approximately 63m to the north. A further consultation was issued to TNI and they responded on the 16<sup>th</sup> May advising that the proposal should still be refused as adequate sight distances of 160m are not available.

As the proposed access is onto a Protected Route Policy AMP 3 is applicable. Within this policy it states that permission should only be granted for a development proposal involving direct access for a replacement dwelling where there is an **existing** (my emphasis) vehicular access onto the Protected Route. Following on from the site inspection no existing access or laneway appeared evident at this location with entry to the site being gained via an agricultural gate (photos on file). The agent was advised of these concerns on the 25<sup>th</sup> February and again on the 11<sup>th</sup> May. In a response dated 11<sup>th</sup> May the agent advised that he was of the

understanding that if splays etc. could be achieved that they would not require information regarding the old entrance even though he was advised previously of the requirement to provide aerial photography or other evidence to show that an existing access was evident at this location albeit disused in line with PPS3.

Further e-mails were received on the 20<sup>th</sup> May and the 1<sup>st</sup> June 2016 with attached OSNI aerial photography images and old maps for consideration. The maps delineate dotted lines running from the roadside to the existing dwelling. The map may indicate a laneway existing at some point in the past however all evidence of this has gone with the passage of time. The information therefore does not provide any evidence to overcome the fact that currently there is no existing vehicular access at this point onto the protected route and it is therefore felt that this information is not sufficient to overcome the proposed refusal reasons.

CTY 13 & 14 requires the dwelling to integrate and to respect the rural character of the area. With regards to the proposed dwelling I consider that the site can accommodate a dwelling which would integrate into its surroundings without appearing prominent in the landscape. I do however have concerns that the amended access could appear very visible when read from the Bann Road. The amended access and laneway proposes to run parallel with the Bann Road for approximately 60m before turning almost 90 degrees (while cutting across an agricultural field) to run parallel with existing field boundary. When viewed from the Bann Road the sweeping laneway would appear very visible due to the relationship of the agricultural field with the adjoining road together with the lack of any proposed landscaping.

### **Conclusion**

The proposal is considered not to comply with relevant planning PPS3 and PPS21 as listed below and I have therefore recommended refusal.

### **Case Officer Signature:**

**Date:**

### **Appointed Officers Signature:**

**Date:**

### **Refusal Reasons**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distances (of 160 metres) is not available, on the public road, at the proposed access in

accordance with the standards contained in the Departments Development Control Advice Note 15.

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- Design and scale
- Access and Parking
- Impact on Residential Amenity

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CTY3 - In order to meet this policy it must be demonstrated that the building to be replaced is or was a dwelling and exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

It is apparent from the attached photographs which were taken as part of the site inspection carried out on 23<sup>rd</sup> February 2016 that all external structural walls of the dwelling are substantially intact. I am therefore satisfied that this building displays the minimum standards of this policy test and thus meets the criteria for replacement category as outlined in CTY3.

**Siting** – Policy CTY3 differentiates between normal replacement cases and non-listed vernacular dwellings and Annex 2 of PPS21 outlines the characteristics of vernacular dwellings. While the current structure does exhibit some of these characteristics such as linear form with limited gable depth and the chimneys expressed along the ridgeline, the dwelling does not, in my opinion, make an important contribution to the heritage, appearance or character of the area, being screened from any public vantage point. I do not therefore see any merit in retaining the structure or incorporating it into the new scheme.

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### **Impact on Residential Amenity**

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Due to its isolated siting the proposed dwelling would not create a negative impact on any neighbouring residential amenity. Given the separation distance, scale and positioning of the dwelling it is also considered that there will be no loss of light or overshadowing of neighbouring properties. Consequently it is considered that the proposed development will have no adverse impact on neighbouring properties

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understanding that if splays etc. could be achieved that they would not require information regarding the old entrance even though he was advised previously of the requirement to provide aerial photography or other evidence to show that an existing access was evident at this location albeit disused in line with PPS3.

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CTY 13 & 14 requires the dwelling to integrate and to respect the rural character of the area. With regards to the proposed dwelling I consider that the site can accommodate a dwelling which would integrate into its surroundings without appearing prominent in the landscape. I do however have concerns that the amended access could appear very visible when read from the Bann Road. The amended access and laneway proposes to run parallel with the Bann Road for approximately 60m before turning almost 90 degrees (while cutting across an agricultural field) to run parallel with existing field boundary. When viewed from the Bann Road the sweeping laneway would appear very visible due to the relationship of the agricultural field with the adjoining road together with the lack of any proposed landscaping.

### **Conclusion**

The proposal is considered not to comply with relevant planning PPS3 and PPS21 as listed below and I have therefore recommended refusal.

### **Case Officer Signature:**

**Date:**

### **Appointed Officers Signature:**

**Date:**

### **Refusal Reasons**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distances (of 160 metres) is not available, on the public road, at the proposed access in

accordance with the standards contained in the Departments Development Control Advice Note 15.

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3. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY13 and CTY14, in that the proposed access does not integrate with its surroundings.





Divisional Planning Office  
Downshire Civic Centre  
Ardglass Road  
Downpatrick  
BT30 6GQ

## Dwelling at Bann Road, Castlewellan

21<sup>st</sup> June 2016

Ref. GD2896  
Your Ref. LA07/2015/1346/F

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse on the grounds of

**1 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distances (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Departments Development Control Advice Note 15.**

**2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3, in that it would, if permitted create an additional access onto a Protected Route as there is no evidence of an existing vehicular access**

**3 The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY13 and CTY14, in that the proposed access does not integrate with its surroundings.**

We would request that the Planning Service afford us the opportunity to discuss this matter and provide additional information in support of our application on the basis that:

### NEWRY

 5 Edward Street, Newry, BT35 6AN  
 028 3025 1885  
 newry@graydesignltd.co.uk

### BELFAST

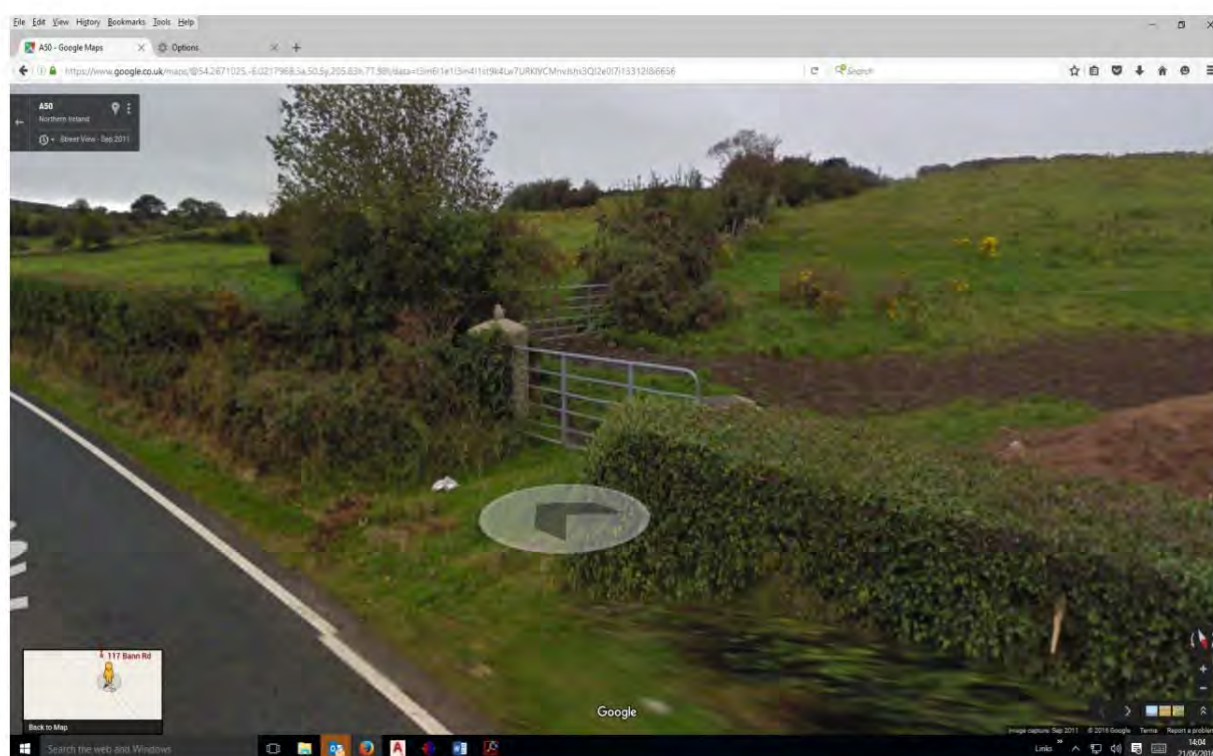
 20 Adelaide Street, Belfast, BT2 8GB  
 028 9051 7085  
 belfast@graydesignltd.co.uk

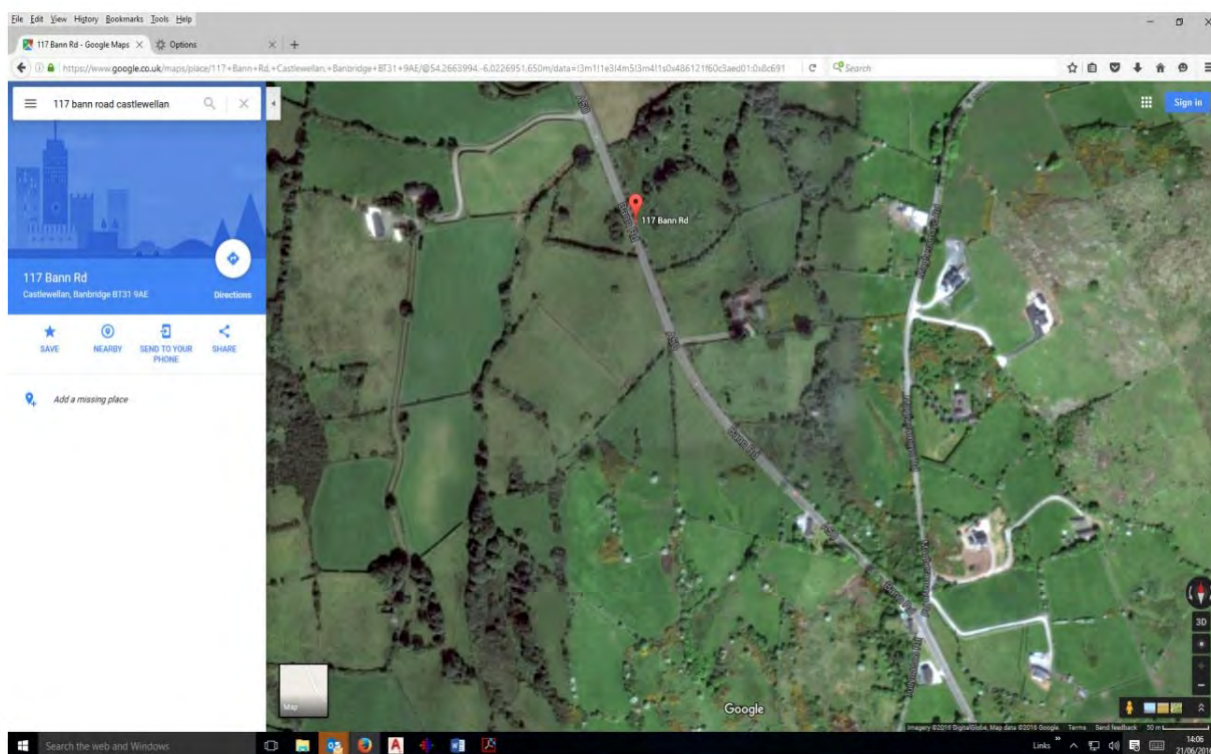
### WARRENPOINT

 18 Carrick Road, Warrenpoint, BT34 3QU  
 028 3025 1885  
 warrenpoint@graydesignltd.co.uk

[www.graydesignltd.co.uk](http://www.graydesignltd.co.uk)

- The existing dwelling to be replaced is located with a considerable set back to the main road, and has been disused for some time. In the meantime the lands have been used for agricultural purposes and have overgrown any visible signs of access etc.
- We have discussed the matter with roads service and they have advised that if planning service agree that there was an existing access that they would remove their concern/refusal points, and their requirement for forward site splay etc.
- In an attempt to comply with roads service we had relocated the entrance to provide the splay lines etc., however planners then deemed this as a new entrance.
- We have reviewed OSNI aerial photos back dating and unfortunately they have no record of the area for the time in question, however they provided us with a map the clearly shows and access point from the road to serve the existing dwelling. (extract of map attached)
- In the absence of old aerial photos we would request that the department give this map more consideration as it is public record document.
- We would also note that our client has advised us that there is still an old stone post in place from the old entrance that was retained and asked us to highlight how uncommon it would be to have this type of structure in an agricultural environment unless there was an access to the road. See image below from google maps.
- We would also bring your attention to the style and pattern of access arrangements in the area and advise that this situation is not dissimilar to that of surrounding properties.(see image below)





In conclusion we would ask the department to please review this application and also note that we are prepared to revise the current proposal in any manner to satisfy the Planning Service.

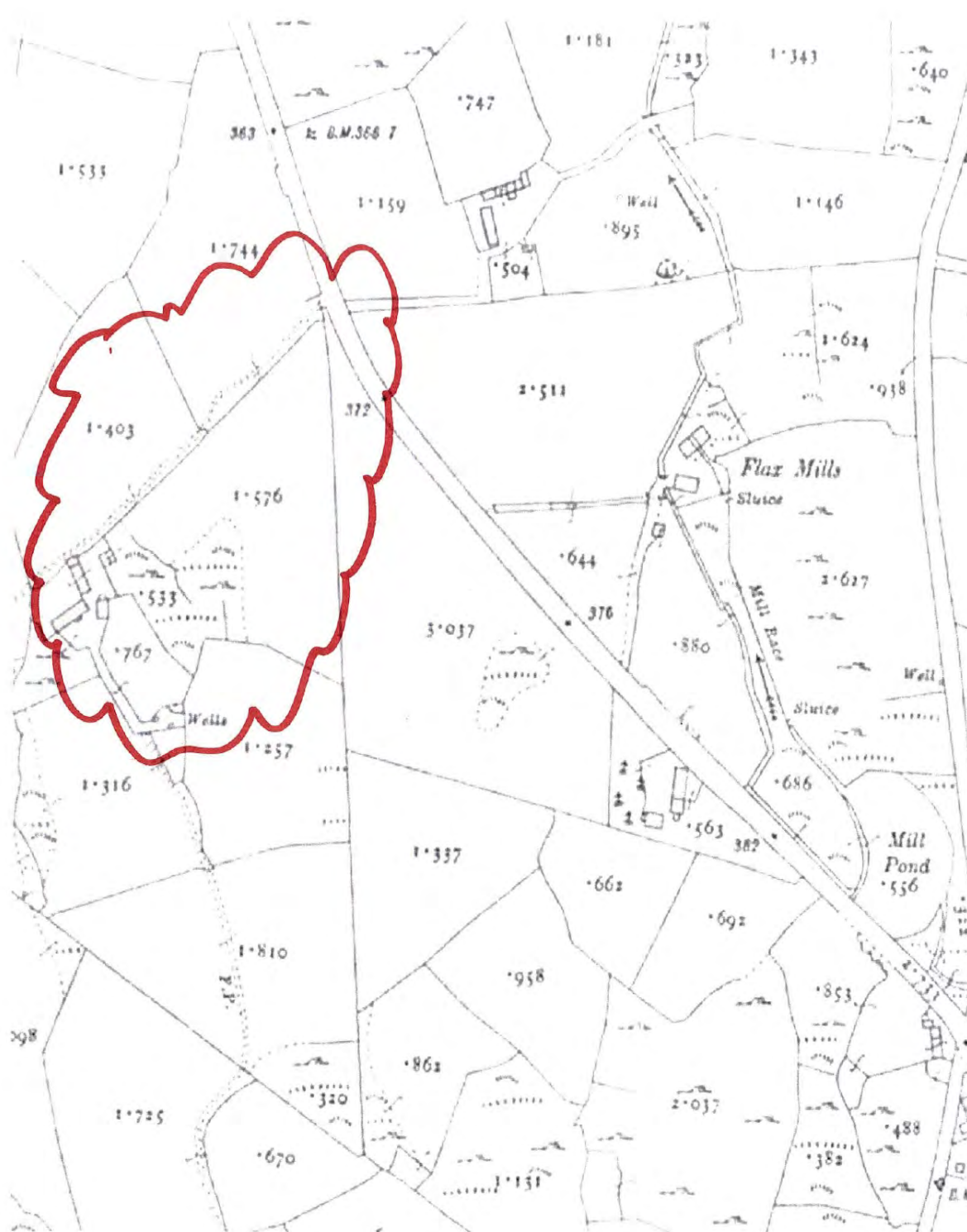
Yours Faithfully

A handwritten signature in black ink, appearing to read 'Barry Gray'.

**BARRY GRAY**

For and on behalf of GRAY DESIGN LTD





LA 07/2015/1346/F – Brian McAlerney – proposed replacement dwelling – lands 235 m south west of 117 Bann Road, Castlewellan

Please note the following additional reason of refusal which has been added to Item 17: LA07/2015/1346/F

**The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 3, in that it would, if permitted, prejudice road safety by the creation of an additional access onto the public road**

I can confirm that the agent has been advised in respect of this matter.

**Andrew Hay**

Principal Planning Officer (Down)

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>13</b>			
<b>APPLIC NO</b>	LA07/2016/0111/F	Full	<b>DATE VALID</b>	1/22/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	A McEvoy 20 Magheralone Road Drumaness Ballynahinch BT24 8ND	<b>AGENT</b>	Crockard Building Design 24 Ballyalgan Road Crossgar BT30 9DR 02844 831566	
<b>LOCATION</b>	158 Crawfordstown Road Drumaness			
<b>PROPOSAL</b>	Change of use from shop to 2 dwellings, using existing parking.(Amended Proposal) (Amended proposal)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to Policy QD1c of Planning Policy Statement 7: Quality Residential Environments, in that adequate and appropriate provision has not been made for private open space within the site, and will not create a quality residential environment.



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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0111/F**

**Date Received: April 2016.**

**Proposal:**

Full permission is sought for a change of use from shop (vacant) to 2 apartments at no.158 Crawfordstown Road, Drumaness.

Following initial consideration of the case and content of the plans submitted a letter was issued to the agents in April 2016 advising that the units proposed were dwellings and not apartments.

An amended P1 form was received from the agent on 27th April whereby the description has been amended to:

'Change of use of vacant shop unit to 2 dwellings using existing parking'.

(This was duly re advertised while neighbours were re-notified in May 2016)

Applicant: Mr McEvoy.

**Location:**

The lands comprising the application site are located within the settlement development limit of Drumaness village, towards the southern end of this village as identified in the Ards and Down Area Plan 2015, whereby this area includes a mix of commercial and residential uses/properties. There do not appear to be any other zonings affecting the site. This site is regarded as white-land within an existing urban area.

**Site Characteristics & Area Characteristics:**

The site comprises no.158 Crawfordstown Road, an end terrace unit, which is located adjacent to the junction with Old Park Road, and also extends to back onto this road. This existing terrace comprises 5 units, whereby the application site is vacant (previous use a shop), while the remaining units include a mix of units both commercial and residential. There is a large area of hard-standing/parking to the front of these units and a strip of land to the rear, with retaining wall and bank extending to adjoin Old Park Road at the rear. There is also a grassed area to the far end of the site which slopes downhill to Crawfordstown Road.

See photos attached to file.

### **Site history**

A history search has been carried out for the site and surrounds, whereby it is noted there have been a number of applications in this area, the most relevant of which includes:

R/13/0523/F- 154 Crawfordstown Rd, Change of use from vacant shop to dwelling, Full, Approval, 21-01-14.

It is also noted there have been previous approvals for alterations, change of uses, new shop fronts and signage.

### **Representations**

No representations in either support/opposition to the application have been received to date (06-06-16)

### **Consultations-**

Having account the nature of this proposal, location and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA, Environmental Health and Rivers Agency, as part of this application, who offer no objections in principle.

### **Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS7 and Addendum, PPS11, PPS12, PPS15, and supplementary guidance**

As stated above the site is located within the settlement development limit of Drumaness village, towards the southern end of this village as identified in the Ards and Down Area Plan 2015, whereby this area includes a mix of commercial and residential uses/properties. There do not appear to be any other zonings affecting the site.

The properties comprising this existing terrace include the vacant unit of the application site, 1 dwelling and 3 other commercial/retail uses, no.141 opposite the front of the site comprises a hot food carryout while the remaining properties in the vicinity of the site are largely residential in character with the exception of the engineering works and associated yard beyond the rear. This existing terrace of units are single storey with a pitched roof.

As these lands are located within the development limits, there can be no objections to the principle of development unless demonstrable harm will result.

## Assessment

It is noted this proposal was originally for the change of use of the vacant shop unit to 2 apartments, which was subsequently amended to the change of use to 2 dwellings. This report deals with the proposal for 2 dwellings.

As stated above the site is located along Crawfordstown Road close to the junction with the Old Park Road and comprises the vacant end unit of no.158. This site comprises the end unit of a terrace of 5 single storey properties, which front and open onto Crawfordstown Road and back onto and adjoin the Old Park Road. These units are readily visible for a stretch of this village.

This terrace of units includes a 2 shops, bookmakers, a dwelling (previously approved and converted) and the vacant unit comprising the application site. This end unit comprising the application site comprises the largest property along this block and includes a return facing Crawfordstown Road.

It is proposed to convert this vacant end unit to 2 dwellings. with alterations to the facade and internal layout. It should be noted no extension of the existing footprint is proposed.

Dwelling 1 will adjoin the bookmakers and will measure approx 125sqm, and will include 3 bedrooms, while Dwelling 2 which comprises the northern portion closest to the junction with Old Park Road will have a footprint of approx 110sqm and will include 2 bedrooms. The drawings submitted indicate that the existing parking to the front will be retained to serve these 2 dwellings with 4 spaces available, and it is noted Transport NI offer no objections to this.

A steep bank and retaining wall run along the rear of the site adjoining Old Park road, which is at an elevated level above the site. As stated above the site is located close to the junction with the Old Park Road, whereby this road angles away, thus the area of available amenity space to the rear of each unit varies and increases to the south. A narrow strip is also proposed along the rear side of Dwelling 2. As stated above car parking is located to the front of the building with amenity space, while supporting information has been provided identifying areas of common open space in the wider area.

While this supporting information is noted it is considered the area of amenity space available for Dwelling 2 which comprises a narrow strip to the side and rear is inadequate and inappropriate in todays standards for a 2 bedroom house, and thus is indicative that the development constitutes over-development, and as such will not create a quality residential environment for the end users. A sufficient area of space has been provided for Dwelling 1.

No concerns are expressed regarding any other amenity issues such as overlooking, overshadowing, or noise, nuisance or general disturbance on any adjoining property or character of the area.

Having account the history of this terrace whereby permission has previously been granted for a change of use of one of the units to a dwelling, in being consistent it is considered no objections can be offered in principle to the change of use of this unit to residential accommodation, however having account the constraints and narrow depth of the site, it is considered the current scheme for 2 dwellings is unacceptable and is contrary to policy QD1c of PPS7.

(The agent was made aware of this amenity space issue at the outset when requesting an amended P1 form regarding the description (apartments/dwellings), which resulted in the submission of the supporting amenity space map in May).

**Recommendation: Refusal**

**Reason:**

- The proposal is contrary to Policy QD1c of Planning Policy Statement 7: Quality Residential Environments, in that adequate and appropriate provision has not been made for private open space within the site, and will not create a quality residential environment.

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	14			
<b>APPLIC NO</b>	LA07/2016/0138/O	Outline	<b>DATE VALID</b>	2/1/16
<b>COUNCIL OPINION</b>	REFUSAL			
<b>APPLICANT</b>	Mr and Mrs S Armstrong	<b>AGENT</b>	Hillen Architects Ltd 87 Central Promenade Newcastle BT33 0HH NA	
<b>LOCATION</b>	Between 69 and 73 Tullyree Road Kilcoo Newry BT34 5LD			
<b>PROPOSAL</b>	Proposed dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no gap site to infill.
- 2 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.





Comhairle Ceantair  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0138/O**

**Date Received: Feb 2016**

**Proposal:**

Outline permission is sought for a dwelling and garage on lands between 69 and 73 Tullyree Road, Kilcoo.

The proposal also includes the demolition of the existing domestic outbuildings.

Applicant: Mr and Mrs Armstrong

**Location**

The site is located in the countryside off the Tullyree Road between Bryansford and Kilcoo, in an AONB and Area of Constraint on Mineral Developments as identified in the Ards and Down Area Plan 2015. This area is pre-dominantly rural in character although it is noted the Tullyree Road includes a number of dwellings and holdings. There does not appear to be any other zonings affecting the site.

**Site Characteristics and area characteristics**

The site outlined in red extends to include the full curtilage of no.69 Tullyree Road, which comprises a roadside plot, whereby the curtilage extends down to the road. This dwelling and curtilage are elevated above road level with a stone wall running along the road frontage with elevated garden level, which then continues to rise to the dwelling. The existing dwelling on site comprises a single storey dwelling which fronts towards the Tullyree road and includes a shared access/driveway with no.65. The site also includes 2 detached garages/outbuildings which it is noted are to be demolished to accommodate a new dwelling. These 2 garages/outbuildings are located to the side of the existing dwelling and adjacent to the boundary with no.73. It is noted the boundary with no.73 includes a wall whereby the ground levels of the application are elevated above those of no.73, whereby the boundary wall appears to act as a retaining structure.

No.73 comprises a 2 storey dwelling which previously comprised the former school building which was converted. It is noted the curtilage of this property also extends down to the road.

It is noted this stretch of Tullyree Road generally rises from the junction with the Hilltown Road towards the application site.

See photos attached to file.

### **Site History**

A history search has been carried out for the site and surrounds whereby it was observed there have been a number of applications along this stretch of road, however no relevant history was observed relating to the application site.

### **Consultees**

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, Environmental Health and NIEA, as part of this application.

It is noted Transport NI have recommended refusal (contrary to policy AMP2 of PPS3), while NIW, Environmental Health and NIEA offer no objections in principle.

### **Representations**

No representations in either support or opposition to the proposal have been received to date (06-06-16).

A phone call was received from the adjoining neighbour who wanted to inquire about the proposal, although wished to stress he was not objecting to it.

As part of the processing of this application neighbour notification was undertaken with no.63, 65, 65a and 73 Tullyree Road in Feb 2016, while the application was also advertised in the local press in Feb 2016.

### **Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21.**

#### **PPS 21**

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

#### **Policy CTY 1**

Development in the Countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will

be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

#### Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

As stated above the site is located in the countryside whereby policy PPS21 (Sustainable Development in the Countryside) is key.

This is an Outline application for a dwelling whereby a P1 form, site location plan, existing and proposed site plan and Design and Access Statement have been submitted.

Based on the information submitted it is considered this application seeks Outline permission for an Infill dwelling on lands between no.69 and 73 Tullyree Road, Kilcoo, thus Policy CTY8 of PPS21 is key.

While it is noted the proposal description refers to a dwelling and garage, the site address makes reference to an infill dwelling.

As stated above the site outlined in red comprises the curtilage of no.69, whereby it is proposed to demolish 2 existing garages/outbuildings to the side of this dwelling, adjacent to no.73.

It is acknowledged the curtilage of this property (No.69) extends down to the road, although is elevated above road level, while the curtilages of both no.65 and 73 also extend down to the road, whereby this stretch of Tullyree Road includes a number of dwellings and buildings.

However the site indicated for the proposed dwelling, between the dwellings fo no.69 and 73, presently comprises 2 detached garages/outbuildings, thus there is no gap site to fill. As such it is considered the proposal fails the policy requirements of CTY8 of PPS21.

The submitted proposed site plan indicates how the dwelling proposed will be sited adjacent to the existing dwelling of no.69, whereby the siting will respect the existing building line. The site plan also includes levels whereby those proposed appear to

generally respect existing. A new access is proposed to the front of the dwelling which will rise to the dwelling with parking to the front, with front and rear garden area also.

It is noted Transport NI have recommended Refusal.

As this is an Outline application no detailed plans have been submitted to assess the potential impact on the existing properties to either side, having account the difference in site levels, retaining structures and relationships. In the event permission is granted it is the responsibility of the applicant/developer to ensure works can be undertaken without damage to the boundary wall or adjoining property.

While it is noted the siting indicated and sub-division of the curtilage of no.69, will result in plots that are large enough to accommodate dwellings with sufficient provision for parking, turning and amenity space, concerns are expressed regarding the plot sizes of the resulting dwellings, having account the existing character of this area.

Aside from the concerns outlined above, while it is noted the lands comprising the application site are elevated above road level, it is considered a well designed and sited dwelling can be satisfactorily accommodated and integrated on this site without being unduly prominent, thus no concerns are expressed regarding compliance with policy CTY13 and CTY14 of PPS21.

However, as stated above there is no gap site to infill, thus it is considered the proposal is contrary to PPS21, as the principle is not accepted.

These concerns together with the comments from Transport NI were raised with the agent by way of letter on 9th May who was afforded an opportunity to submit further information. However it is noted nothing further has been received to date (06-06-16).

**Recommendation:**  
**Accordingly Refusal is recommended.**

**Refusal reason:**

- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no gap site to infill.
- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>15</b>			
<b>APPLIC NO</b>	LA07/2016/0144/A	Advertiseme	<b>DATE VALID</b>	2/1/16
<b>COUNCIL OPINION</b>	<b>CONSENT</b>			
<b>APPLICANT</b>	Newry Coarse Fish Angling Club c/o Mr Oliver McGauley 2 Carrick-Ard Fullerton Road Newry BT34 2BE	<b>AGENT</b>	Estates Section Greenbank Council Depot Greenbank Industrial Estate Newry BT34 2QU 02830313233	
<b>LOCATION</b>	Middlebank Albert Basin Newry BT34 2BJ			
<b>PROPOSAL</b>	Vinyl graphics mounted on steel container advertising Newry Coarse Fishing Club			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0144/A

**Date Received:**

20/01/2016

**Proposal:**

Advertising consent for steel panel clad container (4.2m x 3.05m x 2.44m high) wrapped with vinyl graphics.

**Location:**

Middlebank, Albert Basin, Newry, BT34 2BJ

**Site Characteristics & Area Characteristics:**

The site is within Middlebank, Albert Basin Newry which lies within Newry City Centre as identified by the Banbridge / Newry and Mourne Area Plan 2015.

At 6.18 hectares in total, the site comprises a large irregular shaped site lying between the Albert Basin / Canal and the river to the east of the Quays. The northern section of the site is scheduled for protection by the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995, in addition to a smaller strip of land along the east propotion of the site. There is presently a Council store located on site, close to the proposed location.



**Site History:**

- P/1978/0991– Albert Basin, Extension to existing warehouse – permission granted
- P/1986/0711–O'Rourke's Coal Yard Albert Basin, Electricity Substation MC/17614 –permission granted

- P/2013/0166/LDP–St. Christopher’s Park Albert Basin, demolition of 5 derelict buildings – permitted development

### **Planning Policies & Material Considerations:**

The planning policies and material considerations relevant to the proposal include:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 17 Control of Outdoor Advertisements

### **Consultations:**

- **NI Transport** – no objections to this proposal.
- **Historic Environment Division** – Application site is within the Newry area of Archaeological Potential and is also in close proximity to Newry Canal, a monument of regional importance to which Policy BH1 OF PPS 6 applies. The proposals however are significantly removed in situation and scale from the listed building, therefore no impact. Proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Objections & Representations**

Not applicable

### **Consideration and Assessment:**

The Banbridge / Newry & Mourne Area Plan 2015

The proposal site forms part of the currently zoned development opportunity site NY89 as per Map No. 3/02b Newry City Centre within the Banbridge / Newry and Mourne Area Plan.

The proposal includes the cladding of a small container (4.2m x 3.05m x 2.44m high) with vinyl graphics as advertising, relative to the use as a kiosk for an angling club. This application is for the advertising on this kiosk and the development itself will be assessed under a separate application (reference LA07/2016/0153/F)

#### **PPS 17 Control of Outdoor Advertisements**

Under PPS 17, Section 2.8 outlines an advertisement is defined as:

“any word, letter, model, sign, placard, board, notice, awning, blind, device, or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be constructed accordingly.”

Section 2.9 addresses the standard conditions that all outdoor advertisements must cohere to. These are attached to the end of this report.

Under Policy AD 1, consent will be given for the display of an advertisement where:  
(i) it respects amenity, when assessed in the context of the general characteristics of the locality; and  
(ii) it does not prejudice public safety.

The proposed advertising vinyl graphics are to be displayed on an outdoor kiosk located on currently derelict land which is zoned as a site with future development opportunity. As it currently stands, the vinyl graphics which are relative to the Newry Course Fish Angling Club would add to the overall character of the area in terms of amenity. The proposal would in essence help to screen what may currently be seen as an eyesore of derelict land and the integration of such proposals can often prevent fly tipping, vandalism and help ensure security.

The proposed sign will not be illuminated. In addition, given its proposed location, set away from the Albert Basin Road and across the canal, it would not prejudice road or public safety. Transport NI have no objections to this proposal.

**Recommendation:** Approval

**Summary of recommendation:**

The proposal is deemed acceptable and meets the policy needs of the Banbridge / Newry and Mourne Area Plan 2015 and PPS 17 Control of Outdoor Advertisements

**Conditions:**

1. The sign shall be erected in the position shown on the approved plan 01 REV 2 date stamped 27 April 2016.

Reason: In the interests of road safety and the convenience of road users

2. Under the provisions of the Advertisement Regulations all advertisements whether requiring the Department's express consent or not, (with one minor exception) are automatically subject to the following standard conditions:

Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Department.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Where an advertisement is required to be removed under the Advertisement Regulations, the removal shall be carried out to the reasonable satisfaction of the Department.



No advertisement may be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement may be displayed on or so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any road, railway, waterway (including coastal waters) or aerodrome (civil or military).

Reason: To comply The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>17</b>			
<b>APPLIC NO</b>	LA07/2016/0153/F	Full	<b>DATE VALID</b>	2/2/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Mr Oliver McGauley Newry Coarse Fish Angling Club 2 Carrick-Ard Fullerton Road Newry BT34 2BE		<b>AGENT</b>	Newry, Mourne and Down District Council Greenbank Depot Greenbank Industrial Estate Newry BT34 2QU 02830313233
<b>LOCATION</b>	Middlebank Albert Bank Newry BT34 2BJ			
<b>PROPOSAL</b>	Steel frame with steel panels container to be used as a kiosk for an angling club. To be used as an administration post during fishing competitions.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0



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Newry, Mourne  
and Down  
District Council

**Application Reference:**

LA07/2016/0153/F

**Date Received:**

20/01/2016

**Proposal:**

Steel frame with steel panels container to be used as a kiosk for an angling club. To be also used as an administration post during fishing competitions.

**Location:**

Middlebank, Albert Basin, Newry, BT34 2BJ

**Site Characteristics & Area Characteristics:**

The site is within Middlebank, Albert Basin Newry which lies within Newry City Centre as identified by the Banbridge / Newry and Mourne Area Plan 2015.

At 6.18 hectares in total, the site comprises a large irregular shaped site lying between the Albert Basin / Canal and the river to the east of the Quays. The northern section of the site is scheduled for protection by the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995, in addition to a smaller strip of land along the east propotion of the site. There is presently a Council store located on site, close to the proposed location.



**Site History:**

- P/1978/0991– Albert Basin, Extension to existing warehouse – permission granted
- P/1986/0711–O'Rourke's Coal Yard Albert Basin, Electricity Substation MC/17614 –permission granted

- P/2013/0166/LDP–St. Christopher’s Park Albert Basin, demolition of 5 derelict buildings – permitted development

### **Planning Policies & Material Considerations:**

The planning policies and material considerations relevant to the proposal include:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 8 Open Space, Sport and Outdoor Recreation
- Planning Strategy for Rural Northern Ireland, 1993

### **Consultations:**

- **NI Transport** – no objections with the proposal.
- **NIEA**– Industrial Pollution and Radiochemical Inspectorate have considered the proposal and is content, subject to the attached informative.
- **Historic Environment Division** – Application site is within the Newry area of Archaeological Potential and is also in close proximity to Newry Canal, a monument of regional importance to which Policy BH1 OF PPS 6 applies. The proposals however are significantly removed in situation and scale from the listed building, therefore no impact. Proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Objections & Representations**

No neighbour notifications were issued – not applicable.

### **Consideration and Assessment:**

The Banbridge / Newry & Mourne Area Plan 2015

The proposal site forms part of the currently zoned development opportunity site NY89 as per Map No. 3/02b Newry City Centre within the Banbridge / Newry and Mourne Area Plan. Under zoning NY89, development proposals must be informed by and integrate the site’s industrial heritage features. The proposal is for a small container of metal frame, clad with metal panels and double metal doors. The cladding will be finished with vinyl graphics relative to the use. This element of the proposal will be assessed under a separate application for advertising (application reference LA07/2016/0144/A.) The floor space of this would be 13 square metres and 2.4 metres in height. Given the scale of the proposal, there would be no detrimental impact upon the site’s heritage features. Furthermore, NY89 requires development to achieve scheduled monument consent under the aforementioned Order of Works within the scheduled area. Historic Environment Division has been consulted on this matter. Given that the proposal however is significantly removed in situation and scale from the listed building, there would be no impact. HED are content that the proposal is satisfactory. There is also a fluvial flood risk associated with the site, however it is not deemed necessary to consult with Rivers Agency and DARD for this proposal given the nature of the development.

## PPS 8 Policy OS 6 Development of Facilities ancillary to Water Sports

Development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways will be permitted where all the following criteria are met:

- (i) It is compatible with any existing use of the water, including non-recreational uses;
- (ii) There is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (iii) There is no adverse impact on visual amenity or the character of the local landscape;
- (iv) It will not result in water pollution or an unacceptable level of noise or disturbance;
- (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vi) The proposed facility takes into account the needs of people with disabilities; and
- (vii) There is no conflict with the provisions of any local management plan.

It is considered that the proposal will have no detrimental impact on the visual amenity or character of the local landscape and would not have any detrimental impacts upon the existing canal.

### Planning Strategy for Rural Northern Ireland, 1993

Policy PSU 1 'Community Needs' encourages development to make the best possible use of existing sites to meet the requirements of changing community needs. In this regard, the proposal would be acceptable.

**Recommendation:** Approval

#### **Summary of recommendation:**

The proposal is deemed acceptable and meets the policy needs of the Banbridge / Newry and Mourne Area Plan 2015, PPS 8 and The Planning Strategy for Rural Northern Ireland.

#### **Conditions:**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

#### **Informatives:**

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. Due to its close proximity to an existing meat processing plant, there is the potential for users of the proposed development to experience periodic nuisance from odour, noise etc.
3. Guidance applied in assessment of proposals can be found under:
  1. Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
  2. Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development  
([http://www.planningni.gov.uk/index/policy/spps\\_28\\_september\\_2015-3.pdf](http://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf))
  3. BSI Guide to the Conservation of Historic Buildings BS 7913:2013

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

**ITEM NO** 17  
**APPLIC NO** LA07/2016/0259/O Outline **DATE VALID** 2/26/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr M Fearon C/O Agent **AGENT** Feargal Carolan  
 40 Larchmount  
 Newry  
 BT35 6TX  
 07732119785

**LOCATION** 25M South of No. 10 Lisgarvagh  
 Lislea  
 Newry

**PROPOSAL** Proposed dwelling and detached garage (CTY 2A)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	Addresses	Signatures	Addresses	Signatures
	0	0	0	0	0	0	0	0
					0	0	0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; the dwelling would if permitted visually intrude into the open countryside.
- 3 The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Lislea and the surrounding countryside and result in urban sprawl.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0259/O

**Date Received:**

26.02.2016

**Proposal:**

Proposed dwelling and detached garage (CTY 2A).

**Location:**

The site address is 25M South of No. 10 Lisgarvagh, Lislea. The site is approx. 5 miles west of Newry City.

**Site Characteristics & Area Characteristics:**

The site is located at the junction of Crooked Road and Mountain Road, Lislea. The site is triangular in shape and is agricultural land. The boundary to the front of the site along Mountain Road is defined by trees and shrubbery scattered. The boundary along Crooked Road is enclosed by trees with the rear boundary undefined. The site is enclosed by a post and wire fence.

North of the site is the Lisgarvagh residential development which is characterised by 2 storey semi-detached dwellings. West of the site is a large L shaped dwelling with shed to the rear. North of the site is a single storey dwelling which is accessed via Hall Road and a Chapel and graveyard is located to the NE.



**Site History:**

No relevant site history.

**Planning Policies & Material Considerations:**

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS21 - Sustainable Development in the Open Countryside, PPS3 - Access, Movement and Parking, and DCAN 15 - Vehicular Access Standards and the Building on Tradition Sustainable Design Guide.

**Consultations:**

- NI Water – Generic response received, no objection - 18 April 2016
- Transport NI – requires a scale plan (1:500) as part of the RM showing access requirements in accordance with RS 1 form - 6 April 2016.
- Environmental Health Newry Mourne and Down District Council – Generic response received, no objection – 7 April 2016

**Objections & Representations**

Neighbour notifications were issued on 4 April 2016. The application was advertised on 16 March 2016. No representations were received.

**Consideration and Assessment:****The Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Lislea as illustrated on map 3/36.

**Strategic Planning Policy Statement (SPPS)**

There is no significant change to the policy requirements for dwellings in existing clusters following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

**PPS21 - Sustainable Development in the Countryside**

PPS 21 sets out planning policies for development in the countryside. The preamble of the policy defines the countryside as "*land lying outside of settlement limits identified in development plans*". In this instance the proposal site is located outside

the settlement limit of Lislea however the development which the proposal is trying to cluster with is located **within the settlement limit of Lislea**. Therefore this is contrary to policy requirements set out in CTY1 of PPS21 in that new dwellings can only cluster with development **outside settlement limits**.

### **CTY 2a – New Dwellings in Existing Clusters**

Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to all six criteria being met, my assessment against the criteria is as follows:

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more building (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings.

The site is located outside a farm. There are four dwellings in the surrounding area with nearest dwelling No. 10 Lisgarvagh approx. 10m from the site, dwellings to the E and W approx. 60m from the site and a dwelling to the S approx.80m from the site. Given the separation distance of the nearest dwellings to the proposal site and the intervening vegetation mean that the grouping as identified by the applicant does not appear as a single entity in the landscape. Furthermore No 10 Lisgarvagh is part of the wider Lisgarvagh residential development whilst the dwellings to the E, S and W appear as single dwellings dispersed in a rural settlement pattern. For this reason the proposal is also at odds with the second criterion, which indicates that the cluster should appear as a visual entity in the local landscape. Further to this point the Lisgarvagh residential development clearly defines the edge of the settlement limit when travelling along Mountain Road in both directions.

The third criterion requires a new dwelling to cluster with a focal point. In this instance the community building is a Chapel to the NE of the site. The Chapel is located **in the settlement limit of Lislea**, however in line with the thrust of PPS21 the proposal site cannot cluster with development contained within settlement limits.

The fourth criterion is that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposal site is not bounded on two sides with other development in the cluster as the adjacent property to the E has defined curtilage which ends approx. 50m from the site. This leaves a substantial gap between the dwelling and the proposal site creating a visual break. The dwellings to the E and S of the proposal site are separated by Mountain Road and accessed via Hall Road, thus not bounded with the proposal site.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. It is considered that development of the site will alter the existing character of the settlement limit of Lislea as it would unacceptably extend the built development to the S from the Lisgarvagh residential development. Therefore the proposed site would not consolidate or round off an existing cluster, rather it would visually intrude into the open countryside which is contrary to this criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. Given that the proposal is a considerable distance from adjacent residential properties overlooking and overshadowing would not be considered an issue. However the proposal fails the five other criterion of Policy CTY 2a as outlined above.

### **CTY 1 – Development in the Countryside**

The proposal is contrary to Policy CTY1as it does not meet any of the exceptions in PPS21.

### **CTY 15 – The Setting of Settlements**

The proposal would, if permitted mar the distinction between the settlement limit and the surrounding countryside as depicted in the following images.



Image 2 View of Site from the west



Image 1 – Lisgarvagh residential development defines settlement limit on approach from S.

**Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposed development is considered contrary to CTY2a of PPS21 in that the identified cluster does not appear as a visual entity in the local landscape, the identified cluster is not associated with a focal point such as a social or community building/facility, the identified site is not bounded on at least two sides with other development in the cluster, and the development of the site would not be absorbed into the cluster through rounding off and consolidation and would visually intrude into the open countryside.
2. The proposed development is considered contrary to Policy CTY 1 of PPS21 in the proposal does not fall into any of the types of development listed as acceptable in principle in the countryside and there is no overriding reason why the proposal is essential.
3. The proposed development is considered contrary to Policy CTY 15 of PPS21 in that the proposal would mar the distinction between the settlement limit and the surrounding countryside.

**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	18		
<b>APPLIC NO</b>	LA07/2016/0315/F	Full	<b>DATE VALID</b> 3/1/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>		
<b>APPLICANT</b>	Mr & Mrs Bennett 28 Lisgarvagh Lislea  BT35 9JZ	<b>AGENT</b>	Mark Tumilty Tumilty Design  Newry BT34 2JX 07788717465
<b>LOCATION</b>	28 Lisgarvagh Lislea Newry Co. Down BT35 9JZ		
<b>PROPOSAL</b>	2 storey rear extension to form new ground floor kitchen and first floor bedrooms		
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b> <b>SUP Petitions</b>
	7	0	0                      0
			<b>Addresses Signatures</b> <b>Addresses Signatures</b>
			0                      0    0    0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0315/F

**Date Received:**

01.03.2016

**Proposal:**

2 storey rear extension to form new ground floor kitchen and first floor bedrooms.

**Location:**

The site is located at 28 Lisgarvagh Lislea, approximately 4.5 miles West of Newry City.

**Site Characteristics & Area Characteristics:**

The site is located within the development limits of Lislea as designated in the Banbridge Newry and Mourne Area Plan 2015. It is located within Lisgarvagh – a residential area characterised by semi-detached two storey dwellings.

The dwelling to be extended is 28 Lisgarvagh, Lislea. The dwelling is a two storey semi-detached dwelling with brown concrete roof tiling and one chimney along the ridge line. The dwelling has an external finish of dashed render painted cream with white PVC windows throughout. There is a small informal concrete area to the front of the property with room for vehicle parking. The boundary along the E and W is enclosed with a 1m high timber slot fence. The rear garden is enclosed by a 2m high timber slot fence separating the dwelling from adjacent properties with a large retaining wall to the north separating the property from the dwelling to the rear (No.30).

**Site History:**

There is no relevant planning history associated with this site.

**Planning Policies & Material Considerations:**

This planning application was assessed against the Banbridge Newry and Mourne Area Plan 2015, Strategic Planning Policy (SPPS) for Northern Ireland and Planning Policy Statement 7 Addendum Residential Extensions and Alterations.

**Consultations:**

No consultations were required for the proposed development.

**Objections & Representations**

Six neighbour notifications were issued on 24 March 2016, amended plans were received and neighbours were re-notified of the amendments on 25 April 2016 and 16 May 2016. The application was advertised in the local press on 23 March 2016 and re-advertised due to amended plans received on 25 May 2016.

Nine representations have been received in total from four households. The representations raise a number of issues outlined below. Some issues raise specific concerns about the proposal in relation to their property, where this is the case the number of the address which this relates to is noted. These issues will be fully addressed in this report under the section consideration and assessment.

- The proposal will dominate the enclosure the rear of my property. (27 Lisgarvagh)
- Proposal will have an overbearing effect.
- The proposal would result in a significant loss of daylight.
- The proposal would impact on daylight in my main rooms – kitchen, living space, main bedroom and garden. (27 Lisgarvagh)
- The proposal will increase the need for electric lighting, heating and drying facilities.
- Concerns about the impact of the development on drainage and ground stability.
- The proposal will impact on the green space around my home. (27 Lisgarvagh).
- The residual open space as a result of the proposal will not be compatible with the overall size of the plot for normal domestic activities – play space, sitting out, clothes drying and bin storage.
- Concerns that my rear garden will be overshadowed, dominated, dark and cold and would become unusable private amenity space. (27 & 26 Lisgarvagh).
- The scale and massing of the proposal is inconsistent with the character of the surrounding area.
- The proposal does not respect the street pattern or scale and proportions of the other 29 houses to the detriment of the local rural environment and countryside setting.
- The height and depth of the gable wall will create an unacceptable dominating impact and be overbearing.
- The proposed extension would dominate and further enclose the rear of my property creating an even greater feeling of being hemmed in.
- The proposal would result in a significant loss of light.
- Concerns regarding the proximity of the extension to my boundary (29 Lisgarvagh).

- Concerns regarding the servicing of guttering on the proposed extension and completion of plastering and painting of the extension requiring access to my property. Concerns regarding damage to my property as a result of the proposed works (29 Lisgarvagh)
- The property plot is too small to accommodate the proposal.
- Proposed extension will have a negative impact on the usable space of our garden. (30 Lisgarvagh)
- Feeling of being hemmed in rear garden. (30 Lisgarvagh)
- Imbalance of overall size of the proposed extension, appearing excessively larger, towering and overbearing to the side of my garden. 30 Lisgarvagh
- The extension is disproportionate to the overall size and balance of the original and surrounding dwellings.
- Proposed extension would impact on the privacy of my garden as the plans show 2 bedroom windows on the second storey level that are looking directly into my garden. (30 Lisgarvagh)
- The extension is quite a big scale, ultimately there is likely for a shadow to cast towards my house and will impact on the amount of light towards the side of my house and garden. (30 Lisgarvagh)
- The 2 storey extension of the mass proposed does not safeguard the access to sunlight and daylight our property has. The proposal would significantly reduce the light that enters my property. (26 Lisgarvagh)
- There is no justification for a two storey extension of this scale, mass and impact of this proposal.
- Concerns raised about the devaluation of our homes that this proposal would have is unacceptable.

### **Consideration and Assessment:**

#### **Banbridge/ Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limits of Lislea as illustrated on map 3/36. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

#### **Strategic Planning Policy Statement (SPPS)**

As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policy is PPS7 Addendum Residential Extensions and Alterations. This policy will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.



## PPS 7 (Addendum) EXT 1: Residential Extensions and Alterations

### Scale and Massing

The proposal involves the construction of a two storey extension to the existing dwelling. The overall footprint of the existing dwelling measures approx. 9m long by 6.3m depth and a ridge height of 8.2m above FFL. The proposed extension measures 5.7m in width by 3.3m in length with a ridge height of 6.2m above FFL. The height, width and general size of the proposed extension is smaller than the host property. I am content that the proposed extension is subordinate in size and ridge height to the existing property.

### Impact on Character of Surrounding Area

The extension is largely in the rear of the property with the exception of the side projection which projects 0.7m to the side of the existing dwelling. Whilst the extension to rear will be visible from Mountain Road I do not feel that the proposal is so large or prominent that it dominates the host property or its wider surroundings. Furthermore I do not feel that the side projection dominates the character of the existing property or the character of the street from the front as it is set back from the building line of the existing dwelling and also set down from the ridgeline.

### Design

The design and external finishes of the proposal are to match the existing property. All new windows align to the existing fenestration and match the symmetry of the existing dwelling. These details and finishes will complement the host property and the existing properties within the Lisgarvagh residential development.

### Dominance

The proposed extension is 1.1m from the boundary of the adjoining dwelling 29 Lisgarvagh and the adjacent dwelling 27 Lisgarvagh. The proposed extension extends 3.3m to rear of the existing dwelling with three windows on the ground floor adjacent to 27 Lisgarvagh and no windows in the elevation adjacent to 29 Lisgarvagh. 30 Lisgarvagh is approx. 8m to the rear and sits higher than the application site, whilst the proposal will be visible from this property I do not feel that there will be adverse impacts on residential amenity as views will mainly be from the gable of this property. Furthermore the existing trees seen in Image 1 will assist in screening the proposal from view from 30 Lisgarvagh. Views into the site are limited and they will mainly come from the east along Mountain Road as seen from Image 1.



Image 1

I am not persuaded that the proposal would be seen to over dominate the existing dwelling or that it would unacceptably detract from the appearance and character of the surrounding area from this view.

Under permitted development rights householders can generally build a two storey extension to the rear of an existing dwelling which extends by 3m provided it is 2m from the adjoining boundary of neighbours. In this instance the proposal extends 3.3m from the existing dwelling and is 1.1m from the adjoining boundary of the neighbouring property. Whilst I accept that the outlook of 29 Lisgarvagh is a blank wall from the side elevation closest to their property I do not feel that this outlook is to an unacceptable level given that the proposal is a slight increase to what would be allowed under permitted development rights.

### **Overshadowing/Loss of Light**

The particular characteristics of site and its surrounding context indicate that the garden areas of the properties in Lisgarvagh are already impeded by daylight due to two factors. Firstly the orientation of the rear gardens are north facing and secondly daylight to the rear gardens is exacerbated due to a large retaining wall to the rear of the properties. When assessing loss of light / overshadowing to neighbouring properties the angle test is a useful tool to gauge potential adverse impacts. It is noted in the policy that the angle test is not a rigid standard which must be met in every case. When assessing the extension using this tool the proposal falls short by 7°. From my site inspections it was evident there are two windows in the kitchen/dining areas of the properties in Lisgarvagh. Therefore the window closest to the proposed extension is not the only light source for the kitchen /dining area of the adjoining property, for this reason I am content that the proposed extension would not result in a loss of light or give rise to a degree of overshadowing that would be unacceptable. Furthermore on balance I feel that the existing rear gardens of Lisgarvagh are already impeded by the existing context outlined above and I am content that the proposed extension will not significantly exacerbate the existing situation of the neighbouring properties in terms of loss of light /overshadowing.

### **Privacy**

The proposed extension is at least 1.1m from boundary of the boundaries of the adjacent dwellings. The proposed side elevation facing the adjoining dwelling has no windows and the upper floor windows of the existing property already overlook the rear gardens of the adjacent dwellings to some degree. For this reason I am content that the proposed extension will not exacerbate the situation in terms of overlooking. The proposed side elevation facing No. 27 Lisgarvagh has a new bathroom window on the upper floor. This window faces the hallway window of 27 Lisgarvagh, this is not a main room in the property and I am content that through the use of obscured glass the potential for overlooking is minimised. The proposed extension has three windows on the ground floor of the proposed dining room. These windows will be screened from view along the boundary of 27 Lisgarvagh from the existing timber slot fence therefore I am content that the potential for overlooking will be minimised.

**Private Amenity Space, Parking and Domestic Activities**

Upon construction of the proposed extension the dwelling will have at least 49 sqm amenity space to the rear of the property. Paragraph 5.19 of Creating Places states that garden areas less than 40 sqm will be unacceptable. I am content that this proposal will have an adequate garden area in line with guidance set out in Creating Places. Furthermore the rear amenity space is not reduced to a point where it is out of scale or fails to meet the needs of the occupants for usable private amenity space. The amenity space to the front of the property remains unchanged as a result of the proposal. Sufficient space remains within the curtilage of the property for parking and manoeuvring of vehicles. There remains adequate space within the curtilage of the property for normal domestic activities such as storage and access of bins, clothes drying, sitting out and play space. I am content that there will be no adverse impact on amenity space, access and parking as a result of the proposed extension.

**Drainage and Ground Stability**

The proposal site is not located within a floodplain therefore I am not persuaded that the proposal will give rise to drainage issues.

**Devaluation of Property**

There has been no evidence provided by estate agents or similar to substantiate the claim that the proposal would devalue residential properties in Lisgarvagh. Therefore limited weight is given to this issue.

I have considered the personal circumstances case put forward and the material planning considerations as outlined above. I am content that this proposal is acceptable and approval is recommended.

**Recommendation:**

Approval

**Conditions:**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

**Informatives:**

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Authorised Officer Signature:</b>
<b>Date:</b>

**Ref: Planning committee meeting 29 June 2016 Re: 28 Lisgarvagh, mountain road, lislea. (Objecting delegation)**

Please find below an outline of the oral submission I will be making at the meeting on the 29th. I will speak to the points on this statement. I will be representing the only 4 households who are directly affected by this proposal, all of whom have already submitted written objections in this matter. i.e. No's: 26,27,29 and 30 Lisgarvagh. We have already submitted all the supporting paperwork, evidence, photos etc. to democratic services in previous emails and will be referring to that in our presentation. (5 minutes limit).

Kathleen

**Statement outline:**

- **From the outset we would like to state for the record that the the 4 homes represented by this delegation have nothing against the applicants. We empathise with the personal situation and special circumstances they face.** The reason we are objecting to this proposal is that whilst it provides all the housing features this family desires it simultaneously compromises the properties and quality of life of the other 4 families that surround it to a totally unacceptable extent.
- I wish to talk through the photos we have submitted to show in real terms how significantly this proposal impacts our properties and lives. **(Ref: pps 7 ext 1)** I will be highlighting all the material planning matters which we do not feel have been fairly considered thus far in this process. i.e. Dominance, Hemming-in, loss of light, privacy, overshadowing, design, impact on private amenity space, drainage and subsidence and devaluation of our homes.
- We wish to highlight the considerable inaccuracies in the case officers final report. We have felt from the outset that due process and fair consideration of the concerns and objections of the only 4 houses directly impacted by this proposal has not been given. Some of our concerns have been dismissed based on inaccurate measurements and unfair conclusions and some of our concerns have not been addressed whatsoever. ( I will talk through the various inaccuracies in detail). ( References: case officers report and proposed plans (Final) published on the portal)
- There are 35 semi-detached 1,100 sq ft homes in Lisgarvagh park, in the Townland of Lislea. They were built in 2003/4 on one field- known locally as 'The hollow'. There

is one reason why not one of the 35 houses has an extension - **There is simply no room.** More recent developments have planning regulations which insured homes had space for future development. This is not the case in Lisgarvagh- As our photos clearly show. None of the 35 plots has room for a garage let alone a 2 storey extension of the scale and mass proposed here.

- Anomalies. (Ref: copy of the Delegated Application report) The case officer made a delegated application report with recommendation for approval which was uploaded on the portal on April 22nd. This was 3 days before the second neighbour notification was even posted. As you can see from that report the case officer had made no attempt to address the concerns raised by 3 neighbouring homes. When we realised what was going on under the radar here we called in person to the planning offices and spoke with the duty planning officer who said they were two levels above the case officer ( new to this post) and that this report should not have been published, that we had legitimate objections which would have to be addressed and that this delegated report would be taken down immediately from public view. In addition to this Elaine Quinn (no.29) delivered a letter of complaint to Anthony McKay that same day about the mis-management of this case. However the report remained on the public portal until Tuesday 3 May the same day that the case officer responsible finally visited our houses. ( on our request).
- Summary and conclusion



Elaine Quinn  
29 Lisgarvagh  
Mountain Rd  
Lislea  
Newry  
Co Down  
BT35 9JZ

FAO  
Anthony McKay  
Area Planning Manager  
Newry and Mourne District Council

Re: Planning Application LA07/2016/0315 /F

In relation to the above planning application I would like to draw to your attention that your planning department do not appear to be processing this case in a fair and appropriate manner specifically in relation to neighbour notification and consideration of my objection.

I recently lodged a formal objection, received by your office on the 7 April 2016, to the above application and it appears that my concerns have not been properly taken into account and considered as part of the assessment of this case. I raised a number of issues and it appears that the case officer has disregarded most of these and not properly assessed the impact that this proposal will have on my dwelling. The only issue that appears to have been considered is overlooking, despite the lengthy objection I submitted in relation to a number of concerns including the over bearing and dominant impact this proposal will have on my property. The case officer has bullet pointed the issues outlined in the objections received and only assessed and considered overlooking. Can you please explain to me why the other points in my objection have not been properly assessed/considered? Undue weight appears to have been given to a special circumstances case without proper consideration of the impacts to my property.

Further to this, and even more concerning, can you please explain to me why a recommendation to approve this application has been made and published on your website, when amended drawings were requested and submitted and I have only been notified of these yesterday (27 April)? The case officer was clearly aware that amendments had been sought/submitted at an early stage, as contact appears to have been made with the agent on the 1 April, and therefore before any recommendation could be made, neighbour notification on this amendment would have to be carried out in line with your statutory procedures? It is obvious that the case officer has already made a recommendation on this application without giving me and others the opportunity to provide comment on amendments. The case officer's report refers to an amended concept sketch in her report, can you clarify to


me if a decision was made on a concept sketch in the absence of proper scaled drawings? The Council is not treating my concerns, and the concerns of others, in a fair manner and it appears that a decision has been made outside of the proper consultation process which is an injustice to me and other parties. In addition, these amended drawings are not available to view on your web site so how can I possibly make comment on an amended scheme that I cannot view. The service that the Newry, Mourne and Down Council is providing is totally unacceptable and not fit for purpose.

May I also draw to your attention that two representations were received and not three as the case officer suggests, you appear to have recorded my original objection twice on your website.

I would request that my objections are now properly assessed and a clear justification set out as to why they are clearly being disregarded.

I await your response to this matter.

Yours Sincerely

 27<sup>th</sup> April 2016.

Elaine Quinn



Newry Mourne and Down Council  
 Planning Department  
 Monaghan Row  
 Newry  
 BT35 8DJ



Tenant of  
 30 Lisgarvagh  
 Lislea

LA07/2016/0315  
 Proposed Extension  
 28 Lisgarvagh Lislea

After observing the plans and site map I would like to make the following noted points. I feel very strongly that the under mentioned points require the full attention and respect of the planning authority.

My main objections to the above planning application are based on the following points-

- Dominance (A31)
- Privacy (A28)
- Overshadowing/Loss of light (A32)

From looking at the plans it would appear that the significant extension proposed will have a negative impact on our usable space in our garden. In terms of dominance I feel that if this extension goes ahead we will be hemmed in, in my own garden. My garden at present is a sociable area which I continue to enjoy with my 2 children and with the proposed dominance of this 2 storey extension I feel I would no longer feel comfortable in this area of the garden. With respect this development consists of 2 storey dwellings with small rear gardens. There appears to be an imbalance of the overall size of the extension and if complete will appear excessively larger, towering and overbearing to the side of my garden. I feel the extension is disproportionate to the overall size and balance of the original and surrounding dwellings.

In terms of privacy I would feel that the proposed extension would impact the privacy in my garden as the plans show 2 bedroom windows on the second storey level that would be looking directly into my garden. The sighting and the size of the windows are so unreasonable that there has been no due consideration to my own right to privacy. I would feel such a negative impact on myself and children and social time within my garden as the proposed extension is so close and overlooking the area of my garden we use mostly. The reason for this is that the side area is a paved area which I had done specifically as the gardens in our area are extremely wet on the grassed areas, therefore not possible to use my garden furniture or children's outdoor toys, i.e bikes, scooters on the grass leaving me with only the small paved area to use. This is also the area where the sun shines best during the day/evening when I want to use the garden.

In terms of losing light, the sun rises in the East and sets in the West, and with the proposed extension being of quite a big scale, ultimately there is likely for a shadow to cast towards my house and will impact the amount of light towards my side of the house and garden.

I would like to add that I understand that some families may need additional space in their homes but little respect and consideration have been given to surrounding neighbours and how such an excessive extension can affect other families.

Yours faithfully  
 Geraldine Mc Nulty (tenant of Collins and Collins)  
 As of January 2009

Newry, Mourne and Down Council  
 Planning Department  
 Monaghan Row  
 Newry  
 BT35 8DJ



26 Lisgarvagh  
 Lislea  
 Newry  
 BT35 9JZ

7 May 2016

Application Details:

**LA07/2016/0315/F**

**28 Lisgarvagh, Mountain road, Lislea, Newry Co. Down BT35 9JZ**  
**2 storey rear extension to form new ground floor kitchen and first floor bedrooms**

Dear Sir / Madam,

As the owner of 26 Lisgarvagh I wish to object to the above planning application on the following basis:

- I believe a 2 storey extension of the mass proposed does not safeguard the access to sunlight and daylight that our property currently has. The proposal would result in a significant loss of daylight. Although the proposal would block the sunlight from the east, my garden is north facing and very little sunlight penetrates through to my rear garden at present. To compound the blocking of sunlight, the proposal would also significantly reduce the actual daylight/natural light that enters my property. The proposal would therefore have a detrimental impact upon my property.
- I am concerned that because my rear garden would be left overshadowed, dominated, dark and cold it would become unusable as a private amenity space. Thereby directly affecting my right and ability to enjoy my home and its access to private outdoor space.
- There are no other two storey extensions within this rural development of thirty ((1.100sq.ft.) semi-detached houses, and the scale and massing of this proposal are inconsistent with the character of the surrounding area. It does not respect street pattern or the scale and proportions of the other 29 houses to the detriment of the local rural environment and the countryside setting.

I would be grateful if you could confirm receipt of this correspondence and if you could notify me upon receipt of any subsequent amendments to the proposal.

Yours faithfully,

C Murphy



Elaine Quinn  
29 Lisgarvagh  
Mountain Rd  
Lislea  
Newry  
Co Down  
BT35 9JZ

Newry, Mourne & Down District Council  
Planning Office  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DL

07th April 2016

**Application Ref:** LA07/2016/0315/F  
**Location:** 28 Lisgarvagh, Lislea, Newry, Co. Down, BT35 9JZ,  
**Proposal:** 2 storey rear extension to form new ground floor kitchen and first floor bedrooms

Dear Sir/Madam.

I would like to lodge my **objection** to the above planning application on the grounds that the proposed extension in my view does not comply with the stated criteria for Residential Extensions and Alterations quoted in the Addendum to PPS7, Policy EXT 1.

The proposal will unacceptably impact on my residential amenity for the following reasons:

**Dominance**

- The drawings do not show the proposed extension in the context of my property. The proposed extension is an excessive 2 storey return measuring in excess of 7m in height and is situated right on the common boundary along the rear of my private garden space. The extension will extend out by almost 4 m along this boundary and my rear garden only has a depth of between 5-7 m. Given the close proximity of the proposed extension to the boundary, the height and depth of the

gable wall, this will create an unacceptable dominating impact and be overbearing and oppressive, detrimental to my residential amenity.

- The rear of my property sits lower than the level of the Mountain road and is already overshadowed with a high retaining wall to the non-adjointing side, and a high hedge to the rear of the garden. The proposed extension which extends for approx 70% of the length of my rear garden would serve to dominate and further enclose the rear of my property creating an even greater feeling of being hemmed in. I do not believe that the extension follows the guidelines of PPS7 Annex A6 - 'An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings'.

#### **Loss of Light – Angle Test (45%)**

- The proposal would result in a significant loss of natural light resulting in a very poor quality and unacceptable residential amenity space for my property. The proposed extension does not appear to comply with the angle of light test. My garden is north facing and very little sunlight penetrates through to the garden at present. The morning sun which rises to the east of my property slightly penetrates the rear of the property as it is greatly obstructed by the aforementioned high retaining wall, however any evening sunlight from the west entering my kitchen/living area, main bedroom, bathroom and garden would be drastically reduced, or at worst case eliminated by this proposed extension, this would be detrimental to my property and would result in a very poor quality living environment for me.

#### **Design/Scale**

- I would have serious concerns over the proximity of the extension to my boundary. The proposed extension will sit directly on the boundary with my property and from the drawings (particularly the 'Proposed Rear Elevation' drawing) it would appear that the guttering area on the side of the new extension roof will overhang into my property. This raises questions over how this guttering could potentially be serviced, where would build up of rainwater/leaves go – into my property? How does the owner intend to get access to finish/render/plaster the gable wall of the extension when it is right on the boundary with my property? Any works of this nature would have to take place from inside my property and this will result in damage to my property. There is

Newry, Mourne and Down Council  
Planning Department  
Monaghan Row  
Newry  
BT35 8DJ

Kathleen O'Hare  
27 Lisgarvagh  
Mountain road  
Lislea  
Newry  
BT35 9JZ

04<sup>th</sup> May 2016

Application Details:

**LA07/2016/0315/F**

**28 Lisgarvagh, Mountain road, Lislea, Newry Co. Down BT35 9JZ**

**2 storey rear extension to form new ground floor kitchen and first floor bedrooms**

( Additions)

Dear Sir / Madam,

I wish to object to the above planning application on the following basis:

- The site layout plan does not show the position/proximity or indicate the height of the retaining wall and dwelling to the immediate north of my property. In conjunction with that retaining wall and dwelling, the amended proposal has now been moved to just **1 metre** from my boundary wall which will serve to completely overshadow, dominate and further enclose the rear of my property. In this context, the proposal will also appear overbearing when viewed from the rear of my property and **I will be left feeling hemmed in.** (Ref: PPS 7, A31)
- I believe a 2 storey extension of the mass proposed does not safeguard the access to sunlight and daylight that my home currently has. The proposal would result in a significant loss of daylight entering my property. Although the proposal would block the sunlight from the east, my garden is north facing and very little sunlight penetrates through to my rear garden at present. So to compound the blocking of sunlight from the East, the proposal would also significantly reduce the actual daylight/natural light that enters my kitchen/living space, main bedroom and garden. The mass and scale of the proposal almost entirely blocks out the light entering the **only** window in my hall/landing area. This will require me to use electric light at all times in order for myself and my 1 year old child to safely navigate the stairs/hall-way/landing of our home. The proposal would therefore have a detrimental impact upon my property. And result in a further environmental impact of increasing our need for electric lighting, heating and drying facilities. ( Ref PPS 7, A32)
- I have serious concerns about the impact the proposed extension works could have on the stability of my property. The land is steeply graded and subsidence is already a concern for some existing houses. The land incorporates a sloping bank which was once the site of a stream. Significant moisture in our garden over many years leads us to believe that there

may still be a water course of some form running beneath the land. I have concerns about the impact the proposed development could have on my home and surrounding properties in terms of drainage as well as ground stability.

- The proposal of a two-storey extension to a semi-detached house on the small plot involved, would significantly reduce the garden space around the home which is “an integral part of its character and appearance” to a point where it is out of scale and would fail to meet the present and future occupiers need for adequate, useable private amenity space. The residual private open space would not be compatible with the overall size of the plot for normal domestic activities such as play space, sitting out, clothes drying and bin storage. Etc. There would simply be no usable room left for these activities. (Ref: PPS 7, A41 and A42)
- I am extremely concerned that because my rear garden would be left overshadowed, dominated, dark and cold it would become unusable as a private amenity space. The amended ‘Concept’ drawings indicate the proposal moves to barely 1 metre from my boundary wall which further compounds the detrimental impact this would have on us. Thereby directly affecting my right and ability to enjoy my home and its access to private outdoor space and negatively impacting the quality of life of my child and I. (Article 1 of protocol 1 ECHR)
- There are no other extensions within this rural development of thirty ((1.100sq.ft.) semi-detached houses, which are already packed tightly on to a small site. The scale and massing of this proposal are inconsistent with the character of the surrounding area. The design of the extension appears out of character with the existing building and with the surrounding area. In particular the fact that there are three separate elements to the roof is an uncharacteristic design trait. The proposal does not respect street pattern or the scale and proportions of the other 29 houses and would be to the detriment of the local rural environment and the countryside setting. (A.O.N.B. - PPS 7 Ref: A24) (Ref: PPS, A37)

I would be grateful if you could confirm receipt of this correspondence and if you could notify me upon receipt of any subsequent amendments to the proposal. Finally, I reserve the right to make further comment as necessary.

Yours faithfully,

Kathleen O’Hare

Newry, Mourne and Down Council  
Planning Department  
Monaghan Row  
Newry  
BT35 8DJ

Kathleen O'Hare  
27 Lisgarvagh  
Mountain road  
Lislea  
Newry  
BT35 9JZ

04<sup>th</sup> April 2016

Application Details:

**LA07/2016/0315/F**

**28 Lisgarvagh, Mountain road, Lislea, Newry Co. Down BT35 9JZ**

**2 storey rear extension to form new ground floor kitchen and first floor bedrooms**

Dear Sir / Madam,

I wish to object to the above planning application on the following basis:

- The site layout plan does not show the position/proximity or indicate the height of the retaining wall and dwelling to the immediate north of my property. In conjunction with that retaining wall and dwelling, the proposal will serve to dominate and further enclose the rear of my property. In this context, the proposal will appear overbearing when viewed from the rear of my property.(Ref: PPS 7, A31)
- I believe a 2 storey extension of the mass proposed does not safeguard the access to sunlight and daylight that my home currently has. The proposal would result in a significant loss of daylight. Although the proposal would block the sunlight from the east, my garden is north facing and very little sunlight penetrates through to my rear garden at present. To compound the blocking of sunlight, the proposal would also significantly reduce the actual daylight/natural light that enters my kitchen/living space, main bedroom and garden. The proposal would therefore have a detrimental impact upon my property. And result in a

further environmental impact of increasing our need for electric lighting, heating and drying facilities. ( Ref PPS 7, A32)

- I have serious concerns about the impact the proposed extension works could have on the stability of my property. The land is steeply graded and subsidence is already a concern for some existing houses. The land incorporates a sloping bank which was once the site of a stream. Significant moisture in our garden over many years leads us to believe that there may still be a water course of some form running beneath the land. I have concerns about the impact the proposed development could have on my home and surrounding properties in terms of drainage as well as ground stability.
- The proposal of a two-storey extension on a semi-detached house on the small plot involved, would significantly reduce the garden space around the home which is “an integral part of its character and appearance” to a point where it is out of scale and would fail to meet the present and future occupiers need for adequate, useable private amenity space. The residual private open space would not be compatible with the overall size of the plot for normal domestic activities such as play space, sitting out, clothes drying and bin storage. Etc. (Ref: PPS 7, A41 and A42)
- I am concerned that because my rear garden would be left overshadowed, dominated, dark and cold it would become unusable as a private amenity space. Thereby directly affecting my right and ability to enjoy my home and its access to private outdoor space and negatively impacting the quality of life of my child and I. (Article 1 of protocol 1 ECHR)
- There are no other two storey extensions within this rural development of thirty ((1.100sq.ft.) semi-detached houses, and the scale and massing of this proposal are inconsistent with the character of the surrounding area. It does not respect street pattern or the scale and proportions of the other 29 houses to the detriment of the local rural environment and the countryside setting. (A.O.N.B. - PPS 7 Ref: A24) (Ref: PPS, A37)

I would be grateful if you could confirm receipt of this correspondence and if you could notify me upon receipt of any subsequent amendments to the proposal. Finally, I reserve the right to make further comment as necessary.

Yours faithfully,

Kathleen O'Hare





- Estate Agents
- Management of Residential & Commercial Lettings
- Architectural Consultants
- Loss Assessors - (Commercial & Household Claims - Water, Oil, Storm, Theft)

### To Whom It May Concern

20<sup>th</sup> June 2016

### **Re: No's 26, 27 29 & 30 Lisgarvagh, Mountain Rd, Lislea, Newry, Co Down BT359JZ**

We refer to the above and wish to confirm on inspection of proposed plans for an extension to the rear of No 28 Lisgarvagh, in our professional opinion this would devalued properties No 26, 27, 29 and 30 Lisgarvagh, due to loss of light, privacy dominance and hemming in.

Please do not hesitate to contact our office if you have any further enquiries.

Yours faithfully

*Elena Martin*

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Elena Martin Property Consultant's



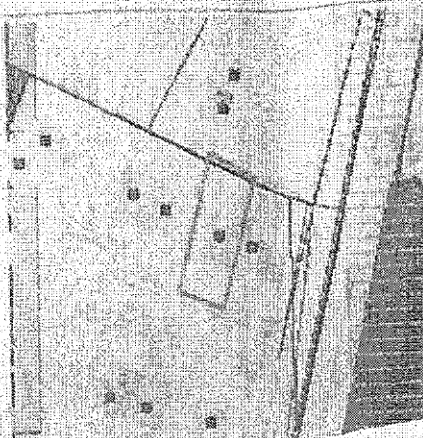
Newry, Mourne and Down District Council  
 Planning Office  
 O'Hagan House  
 Monaghan Row  
 Newry  
 BT35 8DL

### Delegated Application

Development Management Officer Report	
Case Officer: Clare McCoy	
Application ID: LA07/2016/0315/F	Target Date:
Proposal: 2 storey rear extension to form new ground floor kitchen and first floor bedrooms	Location: 28 Lisgarvagh Lislea Newry Co. Down BT35 9JZ
Applicant Name and Address: Mr & Mrs Bennett 28 Lisgarvagh Lislea Newry BT35 9JZ	Agent Name and Address: Mark Tumilty Tumilty Design 16 Glenvale Road Newry BT34 2JX
Date of last Neighbour Notification:	24th March 2016
Date of Press Advertisement:	23rd March 2016
ES Requested: No	
Consultations:	
Consultation Type	Consultee
Response	
Representations:	
Letters of Support	None Received
Letters of Objection	3
Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues: Specific personal circumstances indicated for proposed extension and taken into consideration in line with the criteria set out in policy EXT1 of PPS 7 addendum.	

## Site Visit Report

### Site Location Plan:



**Date of Site Visit:** 23rd March 2016

### Characteristics of the Site and Area

The site is located within the development limits of Lislea as designated in the Banbridge Newry and Mourne Area Plan 2015. It is located within Lisgarvagh Park – a residential area characterised by semi-detached two storey dwellings.

The dwelling to be extended is 28 Lisgarvagh Park, Lislea. The dwelling is a two storey semi-detached dwelling with brown concrete roof tiling and one chimney along the ridge line. The dwelling has an external finish of dashed render painted cream with white PVC windows throughout. There is a small informal concrete area to the front of the property with room for vehicle parking. The boundary along the E and W is enclosed with a 1m high timber fence. The rear garden is enclosed by a 2m high timber slot fence separating the dwelling from adjacent properties.

### Planning Assessment of Policy and Other Material Considerations

#### Planning History

There is no planning history.

#### Representations:

Three representations were received from adjacent properties outlining concerns in relation to the following:

- Dominance
- Close proximity to existing properties
- Overshadowing
- Loss of light
- Out of keeping with existing character of the surrounding area
- Increase in scale

#### Policy Consideration:

Following a development management group meeting a letter was sent to agent on 1 April 2016 requesting amendments. Amended concept sketch was received on 4 April. The proposal has been assessed against the following relevant planning policies:

#### Banbridge/ Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the

Council has not yet adopted a LDP. The site is located within the development limits of Lislea as illustrated on map 3/36. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

**Strategic Planning Policy Statement (SPPS)**

As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policy is PPS7 addendum Residential Extensions and Alterations. This policy will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

**PPS 7 (Addendum) EXT 1: Residential Extensions and Alterations**

The proposal involves the construction of a two storey extension to the existing dwelling. The proposed extension measures approx. 4.1m long by 6 m depth. The extension is subordinate in scale to the existing dwelling in that the ridge height is subordinate to the existing ridge. The overall size of the proposal is subordinate to the existing dwelling. The design of the proposal including all finishes are to match the existing property. The agent indicated specific reasons outlining the personal circumstances which require this extension. Therefore given the personal circumstances of this application sympathetic consideration is given to the policy requirements of PPS7 EXT 1.

The proposed extension is at least 1m from boundary of the adjoining boundaries of No.29 and No.27 Lisgarvagh. There will be no issues of overlooking as the proposed side elevation facing No. 29 Lisgarvagh has no windows. The proposed side elevations facing No. 27 Lisgarvagh are bathroom and dining room windows on the ground floor and a hallway window on the first floor. The dining room windows will be screened from view along the boundary between No. 27 Lisgarvagh from the existing fence along the W boundary. There are no first floor windows on the proposed side elevations overlooking No. 27 Lisgarvagh. There is at least 3.3m distance from the proposed extension to the rear boundary to the N adjoining No. 30 Lisgarvagh. Along the N boundary existing trees screen views to the site. The proposal is for specific personal circumstances to meet the needs of the occupant, therefore given this consideration I am content that the proposal does not unduly affect the privacy or amenity of neighbouring residents. There is no loss or damage to trees or landscape features as a result of the proposed development.

Upon construction of the proposed extension the dwelling will have at least 3.3m amenity space to the rear of the property. The amenity space to the front of the property remains unchanged as a result of the proposal. Sufficient space remains within the curtilage of the property for parking and manoeuvring of vehicles.

**Case Officer Recommendation – Approval**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation**

Recommend approval as above. All material planning considerations and issues raised and taken into account prior to recommendation.

**Conditions**

Application ID: LA07/2016/0315/F

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

28 Lisgarvagh  
Mountain Road  
Lislea  
BT35 9JZ

21/06/2016

Planning application reference LA07/2016/0315/F

Members of the NMDDC planning committee,

Our statement is short and focuses on two issues only.

1. Our proposed plans for an extension on our home, have already been recommended for approval because they meet all council planning guidelines, and are in line with council planning policies. Our case, because it centres on a special needs child, does have some special circumstances. However we have twice amended our plans, and had plans redrafted and resubmitted on both occasions, to ensure they met all council planning guidelines and policies. They do, and this is reflected in the case officer's decision to recommend our application for approval.

2. The plans for the proposed extension came about for one reason and one reason only - the special needs of our middle son, Harry.

Harry is four years old, is registered on the disabled children's list and is on the autism spectrum. Harry has very complex needs relating to autism. He has huge issues with needing space, his own space. With three young sons at home, that space is now very limited and it is affecting Harry's behaviours, and indeed the everyday running of our family life.

Harry has an older brother who is 7 and a younger brother who is 2.

Living all so close together with Harry being very demanding of space, and territorial over much of the available space in our home at the moment, means there are increasingly more arguments than needs be among all three of our sons.

We do not want our sons' good relationships with each other to suffer because of something which is entirely rectifiable. That will be the case if we are unable to add extra space to our family home, the relationships the boys have, which have taken great time and work on everyone's part, given Harry's impaired social skills relating to autism, will suffer and deteriorate.

The space in our proposed extension plans would benefit Harry's everyday life immeasurably, and in turn benefit the lives of his two brothers and our family life in general.

Letters from our family GP, and Harry's occupational therapist, (at the time of our original application), support this fact- that our son would benefit from having more space of his own.

Our child has autism and with that comes complex additional needs - needs which we simply do not have time to cover in the allocated five minutes.

Our role as his parents is to make sure those needs relating to his disability are met, to make sure his life is made a little easier, which is why we have applied for the extension on our home.

We simply cannot ever fix every issue Harry's disability poses for him, but we are simply trying to fix the issue of space needed in our home, as this space, without a word of exaggeration, will change Harry's life.

Sincerely

Lisa and Aodhán Bennett.

Harry's Mother and Father



**NEWRY MOURNE & DOWN COUNCIL  
PLANNING DEPARTMENT  
MONAGHAN ROW  
NEWRY  
CO. DOWN**

Our Ref No. 16/16

**Your Ref No. LA07/2016/0315/F**

Date 22 June 2016

Dear Sirs

**Re Proposed extension at 28 Lisgarvagh, Lislea, Newry, Co. Down  
For Mr & Mrs Bennett**

With reference to the above application I am writing to confirm my support for this application and I am pleased that the Planning Department has offered a recommendation to approve this extension.

I feel it is important to reinforce that the primary reason for this extension is to help the Applicants with an autistic child and for him to have his own space is vitally important for his development.

I must also stress that the Planning Department has flexibility in making decisions for this type of case, as described in PPS 7 Ext 1.

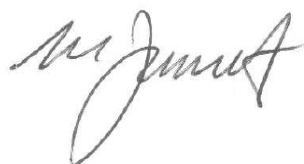
*People with Disabilities*

2.7 The Department will give sympathetic consideration to proposals where an extension or alteration is required for a person with a disability or whose mobility is otherwise impaired. If imaginative and innovative design approaches are fully explored the Department believes it is generally possible to provide a satisfactory solution in line with the policy. The specific needs of a person with a disability are however an important material consideration and exceptionally the policy criteria may be relaxed to meet these needs.

We are content that we have tried to appease the objectors by reducing the size of the extension (2no revisions) and reducing the height of it also. We are confident that the extension will not have a detrimental impact on the neighbouring dwellings.

Please contact the undersigned should you require further information.

Yours faithfully,



Mark Tumilty M.C.I.A.T  
Mob 07788 717465





I intend to focus on the mental effect of a successful application on the neighbours and call for both sides to be given more time to come together and find a suitable compromise.

Pete Byrne  
SDLP Councillor for Slieve Gullion DEA  
Tel: (028) 30868491  
Mobile: (00353) 879000 141