



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2021/0768/F

Date Received:

20.04.2021

Proposal:

Proposed 2 storey replacement dwelling and garage, upgrade of existing access and retention of original dwelling and outbuildings for ancillary use

Location:

51 Newry Road
Hilltown
Newry
BT34 5TG

Site Characteristics & Area Characteristics:

The site is outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an Area of Outstanding Natural Beauty.

The site outlined in red extends to include the subject building and associated lands and a portion of a field.

The subject building to be replaced is set back from the road and is located to the rear of the existing large roadside field, comprising a two-storey building with all external walls and a roof intact. There are also associated outbuildings adjacent the subject building. Visibility of the buildings is obscured from the roadside due to its set back and the topography of the lands between the road and site – the site rises from road level onto a crest and then slopes downwards again towards the subject building. The existing building is also screened by mature trees and vegetation. The application site is currently in use as an agricultural field and is accessed via an existing agricultural access from the road. There is evidence of an entrance to the subject building in the form of pillars as shown in the picture below, however the long laneway leading to the road is now informal. The application site is bounded by mature hedges to the east and west.



Application building



Application site from Newry Road

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside
- DCAN 15: Parking Requirements
- Building on Tradition

Site History:

- **P/2002/2199/O** - 51 Newry Road, Hilltown - Site for replacement dwelling with detached garage – Permission granted. No Reserved Matters application was subsequently submitted.
- **P/2006/2233/F** - 51 Newry Road, Hilltown, Newry - Erection of Replacement Dwelling & detached domestic Garage – Permission granted, 27.10.2008. A 6 month time expiration condition was attached to this approval therefore the expiry date was 27.04.2009. There was also a pre-commencement demolition condition attached to this approval. No works have commenced and therefore this approval has since expired. The approved dwelling is shown below. The dwelling was to be sited just south from the footprint of the existing dwelling.



Approved house type - P/2006/2233/F

Consultations:

- **Roads** – If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DFI Roads has no further objection to this application. The following conditions should be added. DfI Roads also added a note that the B8 is a Protected traffic route and Planning must be satisfied that this proposal is an exception to the policy. This will be discussed further below.
- **Water** – Generic response

Objections & Representations:

Neighbours notified: 15.06.2021

Advertised: 12.05.2021

Note: Amendments were received during the processing of this application. As the revisions were a betterment of the scheme (sited closer to existing dwelling, on lower ground, design), it was not considered necessary to re-notify or re-advertise.

No objections or representations received to date (19.10.2021).

Assessment**Proposal**

The proposal is a full application for the erection of a replacement dwelling and detached garage. The proposal also involves the retention of the existing structure and associated outbuildings for ancillary use as well as upgrading the existing access.

Initially the Department had concerns with the original submission which is shown below.



REPLACEMENT DWELLING AT NEWRY RD, HILLTOWN FOR MR & MRS TRAINOR.



PROPOSED FRONT ELEVATION...1/100.

MARTIN BAILIE ARCHITECTURAL SERVICES.

JOB No - 2544/PL02.

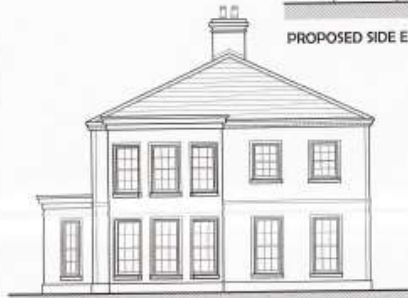
44 Bevan Road, Moybridge, Tel: 028 30 89990. Email: info@martinbaillie.co.uk

DATE - APRIL 2021.

REPLACEMENT DWELLING AT NEWRY RD, HILLTOWN FOR MR & MRS TRAINOR.



PROPOSED SIDE ELEVATION...1/100.



PROPOSED SIDE ELEVATION...1/100.



PROPOSED REAR ELEVATION...1/100.

JOB No - 2544/PL03.

Completed Check
17 APR 2021
LAWRENCE HELP

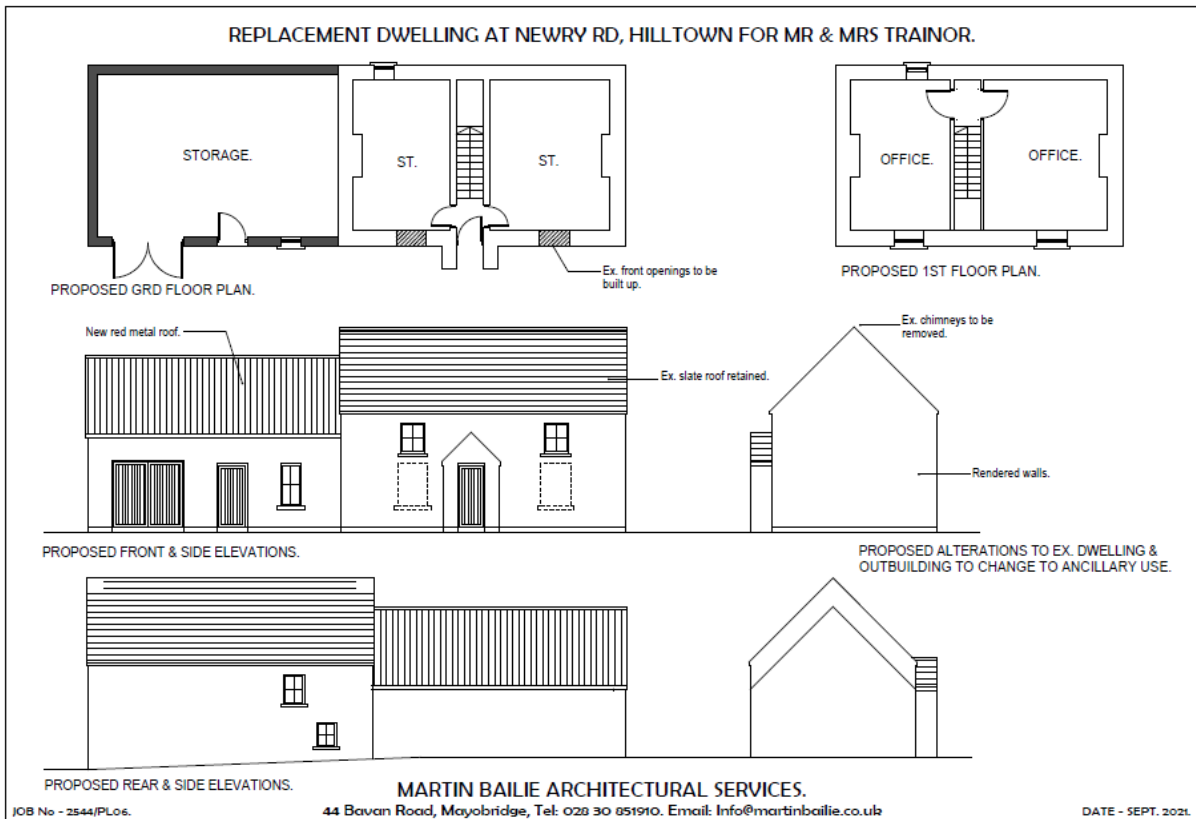
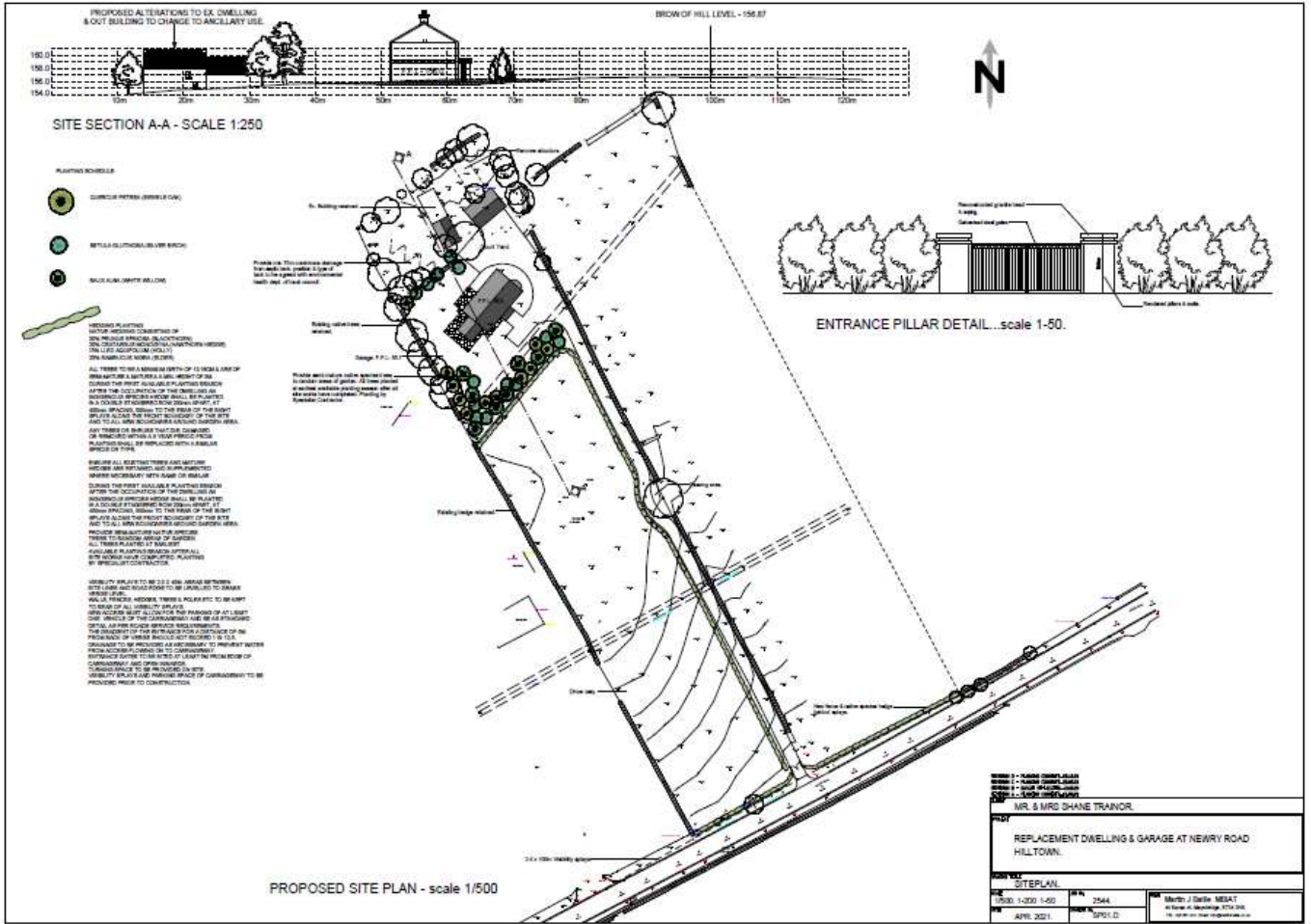
DATE - APRIL 2021.

An email was sent to the agent 18th June 2021 following a site visit 7th June 2021. Within the email, the agent was advised that there is no objection in principle to the proposal however it was considered contrary to Policy CTY3 in that the proposed replacement should be sited within the established curtilage of the existing building which would require the existing building to be demolished. The agent was advised that no justification has been provided as to why the dwelling cannot be sited over the footprint of the existing. Moreover, the Department considered the size and design of the dwelling to be contrary to CTY 3 and unacceptable in that it is not in keeping with the area and the AONB. The agent was advised that the existing dwelling has a pitched roof and there are no adjacent hipped roof dwellings and therefore it is considered that the proposed dwelling would not integrate into the surrounding landscape and would have a visual impact significantly greater than the existing building. Following DfI Roads response, the Department also advised the agent that the B8 is a Protected traffic route and that Policy AMP 3 of PPS 3 outlines exception cases - A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route. The Department noted that during the site visit there was no evidence of an existing access – only an agricultural access into the two adjoining fields. Finally, due to the mature vegetation on site, the agent was requested to submit a Biodiversity Checklist for consultation with NIEA.

An email was received 18th August from the agent outlining a number of points:

- The old dwelling and outbuildings are to be retained and renovated for use as ancillary accommodation;
- The construction of a new dwelling over the footprint of the existing would mean the removal of a number of mature trees. There also appears to be rock in the vicinity of the old house and this would also entail major earthworks and disturbance to construct a new building;
- The positioning of the new dwelling will utilise the mature backdrop of trees;
- Historical maps show that the proposed access laneway was the original access location for the dwelling, but it has been modified to accommodate large agricultural machinery.
- With regard to the hipped roof there is a traditional labourers cottage 3 houses away towards Hilltown;
- As for the Biodiversity checklist this can be completed but at present it is not our intention to disturb any existing trees or buildings.

Amended drawings were submitted 8th September whereby the hipped roof was omitted from the scheme and replaced with a pitched roof. The proposed dwelling was also relocated and ground level lowered. The amendments were discussed internally, and an email sent to the agent 21st September advising that the Department are generally content with the proposal. The Department requested plans showing how the existing buildings will appear when retained as well as more detailed landscaping to the front of the proposed dwelling. The agent was also advised to provide more detail of the proposed access (pillars etc) to reflect its rural location. The final submission is shown below.



REPLACEMENT DWELLING AT NEWRY RD, HILLTOWN FOR MR & MRS TRAINOR.



PROPOSED FRONT ELEVATION...1/100.

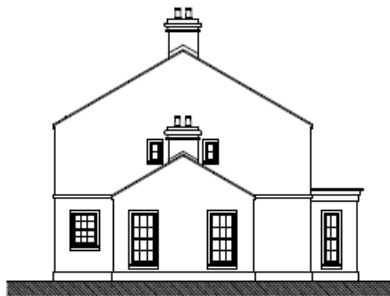
MARTIN BAILIE ARCHITECTURAL SERVICES.

JOB No - 2544/PL02A.

44 Bavan Road, Mayobridge, Tel: 028 30 051910. Email: Info@martinbailie.co.uk

DATE - APRIL 2021.

REPLACEMENT DWELLING AT NEWRY RD, HILLTOWN FOR MR & MRS TRAINOR.



PROPOSED SIDE ELEVATION...1/100.



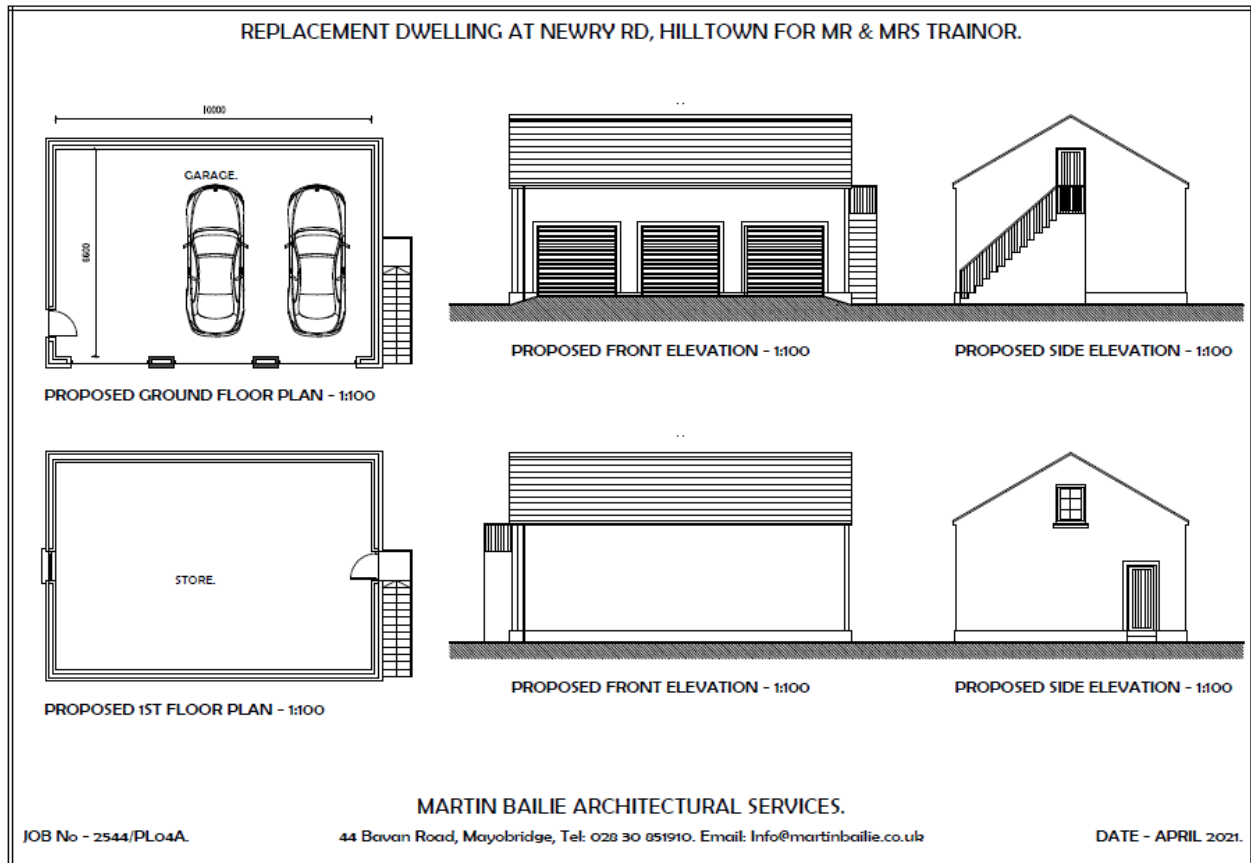
PROPOSED SIDE ELEVATION...1/100.



PROPOSED REAR ELEVATION...1/100.

JOB No - 2544/PL02A.

DATE - APRIL 2021.



The proposal involves the retention of the existing dwelling and outbuilding. The existing chimneys are to be removed and the ground floor windows on front elevation to be blocked up. The existing slate roof is to be retained. The adjoining outbuilding is also to be retained and a metal roof put on. The walls are to be rendered. A second outbuilding on site is to be demolished.

The proposed dwelling is a 2-storey dwelling with a pitched roof. The garage is also 2 storeys with car parking on the ground floor and a store on the first floor. An external staircase leads to the first floor. The dwelling will be sited south east of the existing just beyond the brow of the hill. Extensive vegetation is proposed to the front of the dwelling while all existing vegetation and mature trees are to be retained on site. A new hedge will be planted along the proposed laneway and along the roadside boundary forming the new entrance with 2 pillars either side.

Principle of Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside any settlement limits as designated on the above Plan. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

The principle of development is established under PPS 21: Sustainable Development in the Countryside, Policy CTY 3 – Replacement Dwellings. This policy provides the criteria to be met in order to grant permission for a replacement dwelling.

Planning permission will only be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

All external walls and roof are intact with windows and a doorway evident as well as chimneys on either side of the ridge. Moreover, planning history on this site also alludes to the fact that the building is a dwelling. I am satisfied that the existing structure exhibits the essential characteristics of a dwelling for the purposes of this policy.

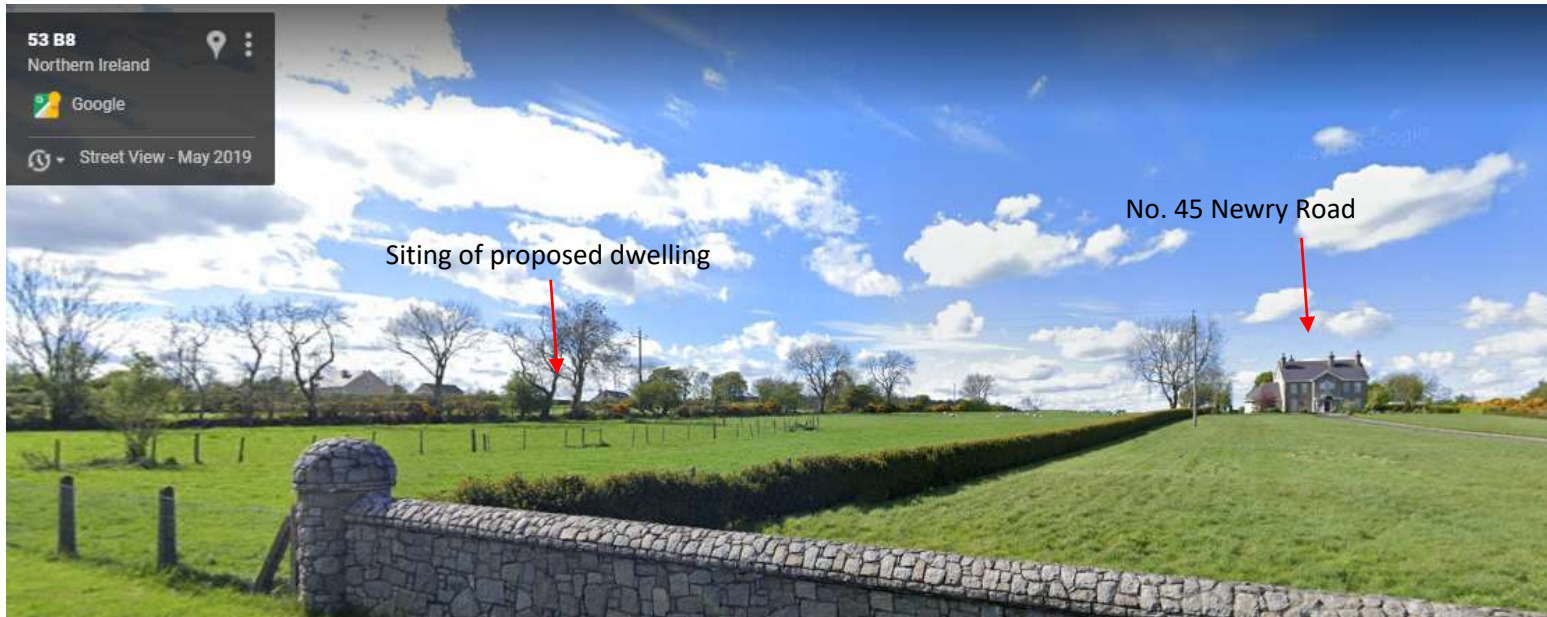
The proposed dwelling should be sited within the established curtilage of the existing building unless...the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling.

As outlined extensively above, the Department had concerns with the original proposal and siting of the new dwelling outside the established curtilage of the existing dwelling. The Department's concerns were relayed to the agent and justification sought for the proposed siting. The agent advised that the demolition of the existing dwelling and erection of a new dwelling would involve the removal of mature trees as well as entail major earthworks and disturbance to construct a new building as there appears to be rock in the vicinity. The agent amended the siting of the proposed dwelling to be closer to the existing as well as repositioning to garage so that it would appear as a group alongside the existing buildings. The Department are content with the retention of the existing dwelling and attached outbuilding. As the established curtilage is restricted, the Department are also content with the proposed dwelling being site outside the established curtilage to accommodate a modest sized dwelling.

The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

The existing dwelling is 2 storey and the proposed dwelling is also two storey. As outlined above, the Department had concerns with the original proposal in that it was considered the proposed dwelling would have a visual impact significantly greater than the existing building due to the siting and design. The agent addressed these concerns by moving the proposed dwelling further back on the site closer to the existing dwelling, lowering the ground levels and removing the hipped roof from the dwelling. The garage was also re-sited to group alongside the existing structures to be retained. The Department acknowledge the size and massing of the proposed dwelling; however, consideration must also be given to the size of the existing structure to be replaced (2 storey) as well as existing dwellings along this stretch of Newry Road. Although the

neighbouring dwellings are single storey, No. 45 Newry Road is approx. 115m east of the application site and is shown on the screenshot below.



The proposed dwelling will be sited beyond the brow of the hill and will benefit from the mature trees and vegetation to the rear which is to be retained to provide a backdrop. Extensive planting has also been shown to the front of the proposed dwelling to create a new boundary and to define the curtilage. The height and time of planting will be specified in an attached condition. This will further aid integration of the dwelling. I am content that the proposed dwelling would not have a greater visual impact than that already approved on the site. I am also satisfied that the design of the dwelling is in conformity with the rural design in the surrounding area and is therefore acceptable.

The nearest neighbouring dwelling is No. 57 Newry Road and abuts the application site to the west. There are two upper floor windows on the side elevation of the proposed dwelling. These windows will serve two en-suites and will therefore be

obscurely glazed therefore there are no concerns of unacceptable overlooking. Moreover the site benefits from extensive mature planting along the boundary between the application site and the neighbouring dwelling which will protect the amenity. The separation distance between both dwellings ensures there are no loss of light or overshadowing concerns. The garage proposed has an external staircase. The garage has been re-sited closer to the existing buildings and further away from the neighbouring property. Therefore there are no concerns of the external staircase being used as a viewing platform. I am content that the proposal will not impact the amenity of the neighbouring dwelling to an unacceptable level.

Policy CTY 13

New dwellings in the countryside must be able to visually integrate into the surrounding landscape and be of an appropriate design. The proposed dwelling being considered would not be considered to be a prominent feature in the landscape given the siting beyond the brow of the hill as well as the backdrop of the mature trees and vegetation to the rear which is to be retained. The landscaping plan and proposed extensive planting to the front of the new dwelling will aid integration. I am satisfied that the proposal meets the criteria laid out in Policy CTY 13.

Policy CTY 14

New dwellings in the countryside *must not cause a detrimental change to, or further erode the rural character of an area.* As noted above, the proposed dwelling will not be unduly prominent in the landscape, making the most of the screening of the site provided by the existing trees and mature vegetation which are to be retained as well as the planting of a new boundary to the front of the dwelling. The new dwelling will not result in a suburban style build up when viewed with existing development nor will it add to ribbon development. It is considered that the proposal will respect the tradition pattern of settlement exhibited in that area. On this basis, the proposal is considered to be acceptable.

Accessibility & Transportation

DfI Roads stated that if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DfI Roads has no further objection to this application. I am satisfied that the existing dwelling could be habitable following internal renovations and modifications. DfI Roads also noted that the B8 is a Protected traffic route and Planning must be satisfied that this proposal is an exception to the policy.

Annex 1 - Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking – which is contained within PPS 21 provides the guidance for access onto Protected Routes and states:

“Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases: (a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.”

Following a site visit, it was noted that the “laneway” was no longer in existence and it appears only an agricultural access exists along the roadside leading to the application site and adjacent field. An email was sent to the agent requesting further information

on this concern. The agent advised that historical maps show that the proposed access laneway was the original access location for the dwelling, but it has been modified to accommodate large agricultural machinery.

During the site visit, there were remnants of an entrance adjacent to the existing dwelling in the form of pillars. This entrance appears to lead to the former laneway that is proposed to be upgraded within this application. I am content that this is an exception case and there is an existing vehicular access onto the Protected Route which served the existing dwelling.

PPS 2: Natural Heritage

Policy NH6 – Areas of Outstanding Natural Beauty of PPS 2 must also be considered given that the proposal is situated within the Mourne AONB. It lays out the relevant criteria to be met by new development which must be of an appropriate design, size and scale for the locality. It is considered that the proposal complies with Policy NH6 of PPS2 as explained in the design assessment above.

Recommendation: Approval

Conditions:

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 2544-L, SP01.D, 2544/PL01, 2544/PL02A, 2544/PL03A, 2544/PL04A and 2544/PL06.

Reason: To define the planning permission and for the avoidance of doubt.

3. Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved drawing no. 2544-L date stamped 20th April 2021, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house. The works proposed to the existing building as indicated on Drawing No.PL06 shall be completed within 6 months of any part of the dwelling hereby approved coming into use.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. All existing mature trees and vegetation within and around the entire site boundaries shall be retained intact. No trees or vegetation shall be lopped, topped or removed.

Reason: In the interests of visual amenity and to maintain screening between the dwelling and neighbouring dwellings.

5. All landscaping comprised in the approved details of landscaping, as shown on Drawing No. SP01.D shall be carried out in the first planting season prior to the occupation of the dwelling hereby approved. An indigenous species hedge shall be planted along the 'new' south-eastern boundary highlighted in blue on approved plan Drawing No. SP01.D in a double staggered row 200mm apart, at 450mm spacing. The hedgerow shall be a minimum height of 2 metres at the time of planting and permanently retained at this height thereafter.

Reason: In the interests of visual amenity and to maintain screening between the dwelling and Newry Road.

6. Any trees or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

7. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside

8. The works indicated for the existing building to be retained shall be completed in their entirety within 6 months of the dwelling hereby approved being occupied.

Reason: To ensure the orderly development of the site.

9. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. SP01.D, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

10. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no

abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

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.
3. **EXISTING WATER AND SEWER INFRASTRUCTURE**
 - The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
 - It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
 - House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
 - Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.
 - It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.
 - If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
 - Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank. If you wish to find out more about what

you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms.

4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is 3 Springhill Road Newry. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
6. Open drain to the rear of the exiting hedgerow will require to be piped to the satisfaction of Department of Agriculture (Drainage division).
7. A formal statutory 'Consent to Discharge of Effluent' will be required from the Water Management Unit of the Northern Ireland Environment Agency under the provisions of the Water (NI) Order 1999 in respect of the discharge of foul effluent from a septic tank. Development must not commence until the above consent has been obtained. An application form can be obtained by applying to Water Management Unit, Calvert House, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL, or on the website www.doeni.gov.uk/niea/water-home/regulation_of_discharges_industrial.htm. The septic tank should be located at least 15 metres away from the dwelling to minimise potential for odour nuisance. The applicant must ensure that sufficient land will be available in the final development to accommodate the septic tank and effectual effluent dispersal system. To achieve this, the applicant should engage the services of a suitably qualified person.
8. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

Case Officer Signature: Eadaoin Farrell

Date: 19.10.2021

Appointed Officer Signature: M Keane

Date: 19-10-21

