

Appeal Decision

Appeal Reference:	2011/A0277.
Appeal by:	Mr Daniel McHenry against the refusal of outline permission.
Development:	Dwelling and garage.
Location:	Adjacent & north of no 25 Grants Lane, Gawley's Gate, Lurgan.
Application Reference:	N/2011/0113/O.
Procedure:	Written Representations with Commissioner's site visit on 18 th July, 2012.
Decision by:	The Commission, dated 14 th September 2012.

The Commission has considered Commissioner McGlinchey's report and agrees with her recommendation that the appeal should be allowed.

The Commission finds the wording of policy CTY 8 to be both confusing and contradictory. Whilst it states that planning permission will be refused for a building which creates a ribbon of development, it expressly makes provision for such a situation to arise in circumstances such as those which arise in the appeal proposal. The Commissioner's assessment concludes that even though the buildings along the frontage to Grants Lane do not currently constitute a ribbon of development, the introduction of the appeal proposal in the gap between the two curtilages would create ribbon development. References in the Department's evidence to the buildings appearing as ancillary features to the dwelling, not being prominent features and not reading as part of a ribbon, can only be interpreted as extending the scope of the policy as written. As set out in CTY 8, policy does not preclude the creation of ribbon development to infill a gap where there is a line of three or more buildings along a road frontage. The policy makes no reference, for example, to the size of the buildings, their relationship with the main building, whether they should have individual curtilages or accesses, or their visual impact when viewed from the road frontage. In the absence of such clarification in the policy or the explanatory text, the Commission can only conclude that the requirements of policy will be met where there is a line of three buildings along a road frontage and where the existing development pattern is respected, whether or not the existing development represents ribbon development.

Decision

The appeal is allowed and outline planning permission is granted subject to the following conditions:-

1. Except as expressly provided for by Conditions 2, 3, 4 and 5 the following reserved matters shall be approved by the Department - the siting, design and external appearance of the dwelling, garage and means of access thereto;
2. The dwelling shall be sited in the cross hatched area as indicated on the attached 1:500 scale block plan marked PAC1;
3. The ridge height of the dwelling and garage shall not exceed 6 metres above the existing ground level at the lowest point within their footprints;
4. The combined footprint of the dwelling and garage shall not exceed 200 square metres as measured externally.
5. Visibility splays of 2.0 x 33m in both directions shall be laid out at the point of access onto Grants Lane before any building operations commence and shall thereafter be permanently retained;
6. No development shall take place until there has been submitted to and approved by the Department a landscaping scheme providing for the planting of a native species hedgerow along the undefined boundary of the site and to the rear of the visibility splays. This shall be allowed to grow on and retained at a height of not less than 1.5 metres. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.
7. Application for approval of the reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
8. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision approves the 1:2500 scale site location plan and the 1:500 scale block plan submitted with the application.

ELAINE KINGHAN
Chief Commissioner