

<b>COMMITTEE ITEM</b>	<b>3.5 ADDENDUM REPORT</b>
<b>APPLICATION NO</b>	<b>LA03/2018/0227/O</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>

<b>PROPOSAL</b>	Site of dwelling and garage
<b>SITE/LOCATION</b>	Approx 120m SW of 142 Seven Mile Straight, Muckamore
<b>APPLICANT</b>	Mr & Mrs Andy Walker
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	22 <sup>nd</sup> May 2018
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: <a href="mailto:alicia.leathem@antrimandnewtownabbey.gov.uk">alicia.leathem@antrimandnewtownabbey.gov.uk</a>

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

##### Background

This planning application was previously presented to the Planning Committee on the 17th September 2018. The application was deferred for one month to afford the applicant a further opportunity to submit supporting information.

Some of the supporting information received from the applicant seeks to demonstrate how a number of potential housing options are not suitable for the needs and requirements of his family.

The order of this sequential methodology is;

1. a potential extension to the applicant's dwelling.
2. an annex linked to the dwelling.
3. a free standing building within the curtilage of the existing dwelling; and
4. an assessment of alternative available sites and existing dwellings for sale in the urban and rural context.

A range of other supporting documents has also been submitted including correspondence from the appointed Social Worker, Paediatric Epilepsy Nurse Specialist, comments from an estate agent, a bank official, the applicant, a costing exercise/quote from Calibro Workspace Ltd and the Education Authority.

##### Consideration

With reference to information provided by the Social Worker, Paediatric Epilepsy Nurse Specialist and the statement from the Education Authority it is accepted that the applicant's son requires a very high level of care and attention at all times and that he cannot be left unattended. The need for disability friendly adaptations to the existing dwelling is acknowledged and accepted.

Within the statement made by the Social Worker it is clear that it is the applicant who has voiced their need for a bespoke home to suit the requirements of their son. The Social Worker, on the basis of the applicant's position, suggests the bespoke dwelling will be fairly extensive and will require 3 downstairs bedrooms with ensuite bathrooms for the parents, their son and his carer, a sensory room and disability access throughout. The statement made by the Paediatric Epilepsy Nurse Specialist comments that it is extremely important that the applicant's son is wholly included within the family life.

Within the supporting documentation, Mrs Walker is identified as the primary carer of her son. Although it is accepted that carers will be required to provide assistance there is no explanation provided as to why it is essential that person must remain overnight, particularly given that Mrs Walker is the primary carer and that her bedroom will also be downstairs in proximity to her son. It is unclear why either an outside carer or Mrs Walker requires a further separate bedroom.

#### 1: Extension to Dwelling

The agent's cover letter interprets the comments of the Social Worker and Paediatric Epilepsy Nurse Specialist as being recommendations and that given these recommendations an approach was made to Calibro Ltd with respect to an extension to the applicants existing dwelling. Calibro Ltd are identified as a design and build company which undertakes the role of design, building control, scope of works and detailed finishing specification.

The Calibro Ltd document reports that "You require out of necessity far more space" and "as you have explained (your son) cannot be discriminated against in the property so will need access to every room". The document also comments "He will also we assume need access to the first floor which will require a lift."

It is accepted as important that the applicant's son remains included within the family life. It is likely that all habitable rooms, for example the lounge, kitchen and dining room, will be located on the ground floor of the property where the whole family will interact. No explanation is provided clarifying why it is essential the applicant's son has access to the first floor of the property where non-habitable rooms of the dwelling, such as his siblings bedrooms and a bathroom, are likely to be located. There is also no explanation provided as to why or how this would be detrimental to the applicant's child and for these reasons the introduction of a lift enabling access to the first floor of the existing property is considered as aspirational rather than essential.

Calibro Ltd set out a list of required floorspace accommodation but qualify this by saying it has added additional, and unspecified, accommodation to the applicant's requirements that were not discussed with them. However, given the applicant has submitted this information in support of his application it is considered all the listed floorspace accommodation requirements form part of the development proposal.

At the ground floor the accommodation is listed as including; hall, kitchen, utility room, dining room, lounge, snug, study, 3 ensuite bedrooms, sensory room, shower room/toilet, lift, double bay integral garage and separate access for a carer. At first floor the accommodation requirements are described as including a hall, 3

bedrooms (1 ensuite), a bathroom, laundry, gym and lift. All floorspace accommodation will be disability friendly.

It is considered the listed accommodation requirements significantly exceed what might reasonably be expected of a bespoke home geared towards the care of the applicant's son. As noted above, it has not been clearly explained why it is essential for a carer to remain overnight given Mrs Walker is the primary carer and her bedroom will be downstairs. No explanation has been provided detailing why a snug, study, upstairs laundry room and a gym are essential. No explanation has been provided as to why a lounge identified as measuring 20 feet by 20 feet is essential. No explanation has been provided as to why it is essential that each of the other children must have their own bedroom. No explanation has been provided explaining why a double bay integral garage is required. It is accepted however that a single bay integral garage would be reasonable. Given vehicular access to the existing dwelling is controlled by an electronic gate and that a security system and a CCTV system are priced in the costings, it is considered these features will afford an opportunity to the applicant to monitor and control access to the property such that a separate access for a carer is not considered essential.

The Calibro Ltd costings exercise amounts to 178, 400 euros but the applicant has presented this as pounds sterling. There is no clear indication as to what the cost would be in pounds sterling. Figures provided refer to the 'Total Scope' of costs being 158, 400 euros with 4,000 euros for 'Contingencies'. The overall cost however is identified as 178, 400 euros and there is no explanation as to where the surplus 16,000 euros arises.

With reference to the costs incurred by the applicant it is noted that Calibro Ltd indicate the family will be required to move out of the property for 16 weeks and that this added cost is included within the costings. Additionally it is noted the costings include an 18,000 euro kitchen and 10,000 euros for decorations to include oak doors, architraves, skirting boards, ceramic floor tiles and broadloom carpets to complete the house with matching external red cedar cladding to tie in with the outside of the dwelling. These are very high quality and expensive finishings and no possible suitable alternatives have been identified, commented upon or costed. No explanation has been provided as to how exactly the costs of the kitchen or finishings arise given these would be linked to a specific design and floorspace requirements.

The final piece of information from Calibro Ltd is a plan with an area of land hatched green around the dwelling. There is no explanation as to how this plan relates to any other information within the document.

At no time within the Calibro Ltd document does it specifically state how much disability friendly adaptation works would amount to. The applicant has however provided information with respect to funding that might be available to assist with the cost of necessary adaptations. He comments that the maximum amount of money available via a 'Disabled Facilities Grant' is capped at £25,000, that it is 'means tested' and the financial position of the applicant is such that any grant that might be available would be the minimum amount, if any. He goes on to state that the process cannot be determined until a full scheme has been submitted to and approved by the Housing Executive but that this has not happened and that as

necessary works are a 'Major Adaptation Works Scheme' the 'Disabled Facilities Grant' does not cover this.

Planning Section have spoken directly with the Housing Executive case officer dealing with the applicant's case. He has commented that a Disabled Facilities Grant is not capped at £25,000 rather anything above this sum of money goes through a more specialised procedure and that irrespective of the 'Major Adaptations Works' the 'Disabled Facilities Grant' remains applicable. The case officer has advised that because the applicant's son is a child there is no applicable 'means test'. The case officer also commented that the last point of contact with the applicant was in November 2017, approximately 1 year ago. The information provided by the Housing Executive appears to contradict the stated position of the applicant and it is considered that investigations into available funding have not been exhausted and how this relates to the applicant's case.

#### 2: An annex to the dwelling and 3: A free standing building within the confines of the curtilage

With regard to the potential options of an annex to the existing dwelling or a freestanding building within the curtilage of the existing dwelling the applicant has advised that given his son requires 24 hour care it would be prejudicial to his safety to have him removed from the supervision of his parents and his siblings. These arguments are accepted.

#### 4: Alternative available sites and existing dwellings for sale in the urban and rural context.

Referring to the potential for a different site to accommodate the needs of the applicant the list of sites provided are rejected by the applicant for a number of reasons. These include the site being too small, too expensive or not conveniently located to a main arterial route for emergency vehicles. There is no explanation as to why sites are too small and could not accommodate the needs of the applicant. There is no explanation regarding what price range for a site would be acceptable to the applicant or what investigation of those possible sites took place. There is also no explanation as to how the stated sale value of the application site at £7,500 would contribute to the affordability of any of these alternative sites.

With respect to being in close proximity to an arterial route, there is no explanation as to why such a location is essential or why emergency vehicles possibly attracted to any of the alternative sites would not be able to access and egress these areas safely.

With regards the list of existing dwellings for sale several reasons are presented to reject these properties as being unsuitable for the needs of the applicant. Reasons provided include; remote location, narrow country road, bad access, sloping site, restricted site, existing dwelling requires adaptation, there are not enough or no downstairs bedrooms, no sensory room, no integral garage, the property is too expensive or the property has been sold.

With respect to properties described as being in remote locations or located upon narrow country roads there is no further explanation as to why these are not suitable. Considering the position of the applicant that he wishes to remain close to an arterial route for emergency vehicles there is no explanation provided as to why emergency

vehicles possibly attracted to these dwellings would not be able to access and egress these areas safely and how this has impacted his consideration of these dwellings.

The applicant rejects other potential properties on the basis the curtilage of the property is restricted. No explanation is provided as to why this is the case. With reference to adaptations, and as noted above, there is no explanation provided as to what the cost of necessary adaptations would be and how this relates to the affordability of any of the listed dwellings.

Further reasons for rejecting the identified dwellings is that there are not enough bedrooms overall or not enough bedrooms on the ground floor. A further reason for rejecting the identified dwellings is that there is no sensory room. It is considered unlikely that many dwellings will have a purpose built sensory room. There is no explanation regarding the applicant's consideration of how rooms within the identified dwellings might be repurposed to suit the needs of the family and no analysis as to whether an extension may provide the necessary facilities.

A further reason for rejecting the identified dwellings as being unsuitable for the needs of the family is that there is no integral garage. There is no explanation regarding the cost of building an integral garage, the potential there might be to provide this feature within the curtilages of the identified dwellings or what the cost ramifications of this might be to the applicant. This is particularly relevant as there is a dwelling at 10 Lowtown Road for sale at £220,000 pounds, which has been rejected for the reasons that there are only two downstairs bedrooms and no integral garage. The sale price is some £80,000 less than the stated value of the applicant's existing dwelling being £300,000. It is not considered that the potential of this dwelling suitably modified to accommodate the requirements of the applicant has been fully investigated.

The applicant also rejects some of the identified dwellings for being too expensive. Dwellings at 69 Printshop Road and 134B Antrim Road, Muckamore are priced at £399,950 pounds approximately. Given the position of the applicant that the dwelling at Printshop Road is too expensive it is considered logical that the dwelling at 134B Belfast Road would be rejected for the same reason, not that it has no downstairs bedrooms. The price range considered by the applicant is unclear and the methodology used to reject identified dwellings is unclear and therefore confusing.

The applicant has advised that he requires a dwelling of approximately 4,500 square feet to accommodate the requirements of the family. While this has not been specified in the description of development this matter is clearly in the mind of the applicant. The dwelling at 1 Tullywest Road is advertised as having 2,700 square feet of floorspace and is rejected by the applicant as not having any downstairs bedrooms. This dwelling is considered typical of the large trophy houses popular in the late 1990's and early 2000's and is a useful tool in considering the scale and extent of development being considered by the applicant. No.1 Tullywest Road is clearly a substantial dwelling but which has only approximately half the floorspace of what the applicant is seeking in this planning application. At no time has the applicant clearly demonstrated that the requirements of his family are such that a floorspace of some 4,500 square feet is required to suit their needs.

### Summary

It is accepted that the applicant's son requires constant care and attention and that potentially suitable housing options such as an annex to the dwelling or a free standing building within the curtilage of the applicant's dwelling are not appropriate to the needs of the child. It is also accepted that disability friendly adaptations would be beneficial to the needs of the applicant. However, it is considered that investigations into available funding and grants that might aid the cost of these adaptations have not been suitably investigated.

With respect the accommodation requirements of the applicant as identified in their submission it is considered that rooms such as a snug, study and a first floor laundry room and gym are aspirational rather than essential in designing a bespoke dwelling centred around the needs of the applicant's child. Aside being integrated into family life there is no explanation as to why it is essential the applicant's child has access to the first floor of a dwelling when it is likely the principal rooms such as the kitchen, lounge and dining room will be located at the ground floor where the family would normally be expected to congregate. There is also no explanation as to why it is essential for a career's bedroom and a separate carer's access to be provided. As a consequence it is considered the sum of 178,400 euros is an inflated figure in relation to the costing associated with the accommodation requirements and furthermore these are considered to be aspirational rather than essential to the needs of the applicant and his family. There are also unexplained anomalies within the costings exercise.

The applicant has indicated he is seeking a dwelling of approximately 4,500 square feet. This is a very large floorspace area and would be almost twice the size of large 'trophy' dwellings listed as examples of potentially suitable alternative dwellings provided in the applicant's assessment of alternatives. Within this exercise there are also contradictions in how existing dwellings are rejected as being unsuitable and this methodology transfers to the consideration of potentially suitable alternative sites.

Overall, it is considered that the investigations carried out by the applicant are not exhaustive, that floorspace and accommodation requirements are, in part, not essential, the costings exercise is inflated and the methodology for the assessment of alternative housing options such as an existing dwelling or other area of land are contradictory or not clearly explained as being unsuitable. In particular it is considered the option of reasonable adaptation and extension of the existing dwelling has not been properly explored. For the reasons set out in this report the principle of development has not been established and the application is recommended for refusal on the basis of the reason previously advanced to the Planning Committee and which is set out below.

### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established as it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case. As such it is considered that a new dwelling is not a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

- A low level dwelling of approximately 5.7m from ground level would sufficiently integrate and not have a detrimental impact on the rural character of the area.

**RECOMMENDATION :** REFUSE PLANNING PERMISSION

**PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside, in that there are no overriding reasons why this development is necessary in this rural location and could not be located within a settlement and it has not been demonstrated that there are site specific reasons or compelling personal and domestic circumstances that would warrant approval for a dwelling in accordance with Policy CTY 6 of PPS 21.

