



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

## **DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

### **TOWN AND COUNTRY PLANNING ACT 1999 TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

**Agenda for a meeting of the Planning Committee, 5th December 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

**Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 21<sup>st</sup> November 2022.

**4. Any matters arising**

**5. To consider and determine Planning Applications**

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

**6. Site Visits**

To agree dates for site visits if necessary.

**7. Section 13 Agreements**

To note any applications where Section 13 Agreements have been concluded since the last sitting.

**8. Any other business**

**9. Next meeting of the Planning Committee**

Set for 19<sup>th</sup> December 2022.

**PLANNING COMMITTEE Meeting, 5th December 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Braywood 51 Howe Road Onchan Isle Of Man IM3 2AZ</p> <p><b>PA22/00517/B</b>  <b>Recommendation : Refused</b></p>	<p>2 storey extension to front elevation with internal alterations and minor landscaping works</p>
<p><b>Item 5.2</b>  Ballamaddrell Cottage Grenaby Road Ballabeg Castletown Isle Of Man IM9 4HD</p> <p><b>PA22/00473/B</b>  <b>Recommendation : Permitted</b></p>	<p>Reinstatement to dwelling, erection of two storey rear extension and rear pitch roof dormer, and alterations (including roof lights, re-rendering, re-roofing, chimney repair, and new window and door installations)</p>
<p><b>Item 5.3</b>  Field 534504 Sunnyside Whitebridge Road Onchan Isle Of Man IM4 6AD</p> <p><b>PA22/01237/C</b>  <b>Recommendation : Permitted</b></p>	<p>Additional use of fenced paddock for private dog walking (retrospective)</p>
<p><b>Item 5.4</b>  School Hill/Westhill Estate Castletown Isle Of Man</p> <p><b>PA22/00967/B</b>  <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>Erection of 133 dwellings with associated drainage and access (amendments to PA 19/00961/B) (retrospective)</p>
<p><b>Item 5.5</b>  Luss House 14 Patrick Street Peel Isle Of Man IM5 1BR</p> <p><b>PA22/01162/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of extension over raised patio area to provide roof terrace with storage under, to rear of dwelling</p>

## PLANNING AUTHORITY AGENDA FOR 5th December 2022

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### Item 5.1

**Proposal :** 2 storey extension to front elevation with internal alterations and minor landscaping works

**Site Address :** Braywood  
51 Howe Road  
Onchan  
Isle Of Man  
IM3 2AZ

**Applicant :** Mr D Pictor

**Application No. :** 22/00517/B- click to view

**Planning Officer :** Mr Peiran Shen

**RECOMMENDATION:** To REFUSE the application

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### Reasons and Notes for Refusal

#### R : Reasons for refusal

#### O : Notes (if any) attached to the reasons

R 1. The two storey element is considered to increase the mass of the existing dwelling, which would project forward of the existing property and given its more contemporary design would fail to respect the site and its surroundings and adversely the character of the existing street scene contrary to General Policy 2 (b), (c) & (g) of the IOM Strategic Plan and the Residential Design Guide July 2021.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

#### 1.0 THE SITE

1.1 The site is the residential curtilage of 51 Howe Road, Onchan, a single-storey detached dwelling located on the north and close to the east end of Howe Road.

1.2 The house consists of a single-storey pitched-roof main dwelling, a single-storey pitched-roof rear extension, a single-storey flat-roof garage on the north elevation and a single-storey flat-roof extension and a single-storey pyramid-roof extension on the south elevation. There is also an elevated narrow front terrace with stairs.

1.3 The house sits on a slope and has an elevated base. It is set back from the road with a spacious front garden and a driveway.

1.4 The south side of Howe Road are single-storey bungalows, with ground levels below the road elevation. On the north side are also single-storey bungalows. Some have features such as light-colour stone cladding, railings with classic elements and palm trees.

## 2.0 THE PROPOSAL

2.1 The proposal is the erection of a two-storey pitched-roof front extension. The extension will have a contemporary glazed front. On the front elevation of the extension, part of the roof pitch is extended further towards the road to create an entrance hall. There is also a Juliet balcony on the front elevation.

2.2 The application was sent to the planning committee on the 22nd August 2022 but was deferred at the request of the applicant and the agent. Since then an amendment has been submitted with some reduction on the projection of the extension.

## 3.0 PLANNING HISTORY

3.1 There is no previous application considered materially relevant to this application.

## 4.0 PLANNING POLICY

### Site Specific

4.1 The site is within an area designated as "Predominantly Residential" use in the Area Plan for the East 2020.

### Strategic Policy

4.2 The Isle of Man Strategic Plan 2016 contains the following policies that are considered materially relevant to the assessment of this current planning application:

### Principle of Developments

4.3 General Policy 2, which provides an overall requirement for all development, states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

### Visual Design

4.4 Strategic Policy 3 and Environment Policy 42 focus on the visual design of developments, they state that the design should take account of the local materials, character and identity of its immediate locality, in terms of buildings and landscape features.

4.5 Paragraph 8.12.1 states: "As a general policy, in built up areas not controlled by Conservation Area or Registered Building policies, there will be a general presumption in favour of extensions to existing property where such extensions would not have an adverse impact on either adjacent property or the surrounding area in general."

## Environment

### 4.6 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island."

## Parking

### 4.7 Transport Policy 7 states:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

4.8 Appendix 7.6 states that for typical residential development, there should be 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

## Others

4.9 Community Policy 7, 10 and 11 state that the design of new development must, as far as is reasonable and practicable, pay due regard to existing best practices such as to prevent criminal and anti-social behaviour and outbreak and spread of fire. In addition, development should also provide proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes."

### 4.10 Infrastructure Policy 5 states:

"Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources."

## PPS and NPD

4.11 There is no relevant Planning Policy Statement or National Policy Directive applicable to this application.

## 5.0 OTHER MATERIAL CONSIDERATIONS

### Strategy and Guidance

5.1 The Residential Design Guide (July 2021) provides guidance on the design of new houses and extensions to an existing property, as well as how to assess the impact of such development on the living conditions of those in adjacent residential property. Therefore, it is considered that the guide is materially relevant to this application.

5.2 RDG 4.5 Front Extension sets out key considerations for front elevation extensions. It considers an extension to the front of a property can have the greatest impact on the individual dwelling and/or the street scene. There may be limited circumstances when a front extension is appropriate, for example where the street has an irregular building line or pattern. It also states that any extension should normally appear as if it were designed with the original building and not look out of place in the street. A porch extension is perhaps the most common form of an extension to the front elevation of a dwelling. Whilst porches are relatively small in size, careful consideration still needs to be given.

5.3 RDG 4.8 Extension to Side Elevations sets out key considerations for side elevation extension. These include the potential visual appearance of the extension within the street scene and of the individual dwelling as well as the impact on the amenities of those in neighbouring properties. These impacts can be regulated by designing with the right location, size, and architectural style. The section also specifically mentions that detached/semi-detached dwellings should avoid a terraced appearance due to two extensions being placed too close to each other.

5.4 RDG 4.11 Roof Terraces, Balconies, Decking and Patios sets out some key considerations. It states that for terraced and semi-detached properties, it is unlikely to be acceptable; and for detached properties, it has to be carefully designed to avoid unreasonable overlooking of neighbouring properties (including gardens). Large separation distances and strategically placed screens may help avoid overlooking but may also cause loss of light or be overbearing to the neighbours. It may also have a visual impact on the street scene and the individual dwelling.

5.5 RDG Chapter 5 sets out key considerations regarding architectural details. These include window details and external finishing. The general idea is that development should fit in with the street scene and the building itself.

5.6 RDG Chapter 7 sets out key considerations regarding the impact on neighbouring properties. These include the potential loss of light/overshadowing, overbearing impact upon outlook and overlooking resulting in a loss of privacy.

## 6.0 REPRESENTATIONS

6.1 Onchan District Commissioners has no objection to this application (02.11.2022).

6.2 Highway Services does not oppose this application (09.11.2022). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking. The Applicant is to note that no gravel must be within 5m of the highway.

## 7.0 ASSESSMENT

7.1 The key considerations in the determination of the application are its impact on the house itself, on the character and street scene of the area and on the amenities of the neighbours. The assessment is completed based on the latest amendment submitted.

### Design of the House Itself

7.2 On the one hand, the proposal is utilising the level changes of the site. In the process, it will shift the visual focus of the dwelling to the new extension. Both of these by themselves could be considered to have at least a neutral impact on the design of the house.

7.3 On the other hand, the mass of the front extension can be considered disproportionately large compared to the existing main dwelling. The front elevation of the extension has a contemporary nature, the contrast between the extension and the existing flat-roof garage is too vast and would highlight the design flaws of the garage. In the meantime, while there are already three types of roofs (pitched, flat and pyramid), the proposal would further complicate the existing roofscape. These can all be considered to have a negative impact on the character of the house.

### Character and Street Scene

7.4 The proposal brings the property closer to the road. Since the new frontage will sit at a similar distance from the highway compared to that of neighbouring properties. The reduction in setbacks against the highway alone is not considered to have a negative impact on the character of the area.

7.5 However, when compared to all properties that have a protruding front extension element, the proposed extension is wider, taller and projects further from the main dwelling than the ones on other dwellings along the road.

7.6 In the meantime, there is no full two-storey front extension along the road beside the two properties at the east end of Howe Road. Both of these properties have site levels that

raise from the roadside as well as the west side, while the application site only mainly has a level rise from the roadside.

7.7 As mentioned in 7.2 and 7.3, the mass would result in a shifted focus on the extension. Therefore, it is considered that a combination of 7.5 to 7.7 would make the extension stand out from its surroundings.

7.8 As also mentioned in 7.2 and 7.3, the new extension is contemporary, which would contrast poorly with the existing flat-roof garage. In addition, the contemporary element would also stand out from the modern bungalow design and the existing exotic elements along the road. Therefore, it is considered that the introduction of these new elements would result in confusion rather than improvement of the character of the area. Considering the extension would stand out from its surroundings as stated in 7.7, the front extension is considered to have a negative impact on the character of the area.

#### Neighbouring Amenities

7.9 As a front extension, the proposal still passes the "45 Degree Approach" when assessed against the frontage of neighbouring properties. Therefore, there is no concern for overshadowing or overbearing.

7.10 The proposal, after revision, would not reduce the distance between the frontage of the house and the rear garden of No. 62 to less than 20m. Therefore, it is considered that there is no additional overlooking impact on No. 62.

#### Planning Balance Assessment

7.11 The focus of the assessment is the contemporary design of the extension. While the design has elements that are even worth applauding in an isolated setting, it is not considered that these elements would be sufficient enough to outweigh the negative impact on the area created by the contrast between contemporary and existing elements both against other parts of the dwelling and against other dwellings on the same road. Therefore, it is considered that there is a generally negative impact on the area from the proposal.

#### 8.0 CONCLUSION

8.1 The mass and contemporary elements of the design would contrast the existing design flaws and negatively impact the character and streetscene of the area.

8.2 The proposal is considered to fail to comply with General Policy 2 of the Strategic Plan and the Residential Design Guide July 2021. Therefore, it is recommended for a refusal.

#### 9.0 INTEREST PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land which the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

- 9.2 The decision-maker must determine:
- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
  - o whether there are other persons to those listed above who should be given Interested Person Status.



## PLANNING AUTHORITY AGENDA FOR 5th December 2022

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### Item 5.2

**Proposal :** Reinstatement to dwelling, erection of two storey rear extension and rear pitch roof dormer, and alterations (including roof lights, re-rendering, re-roofing, chimney repair, and new window and door installations)

**Site Address :** Ballamaddrell Cottage  
Grenaby Road  
Ballabeg  
Castletown  
Isle Of Man  
IM9 4HD

**Applicant :** Mrs Elizabeth Didham

**Application No. :** 22/00473/B- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

- Class 14 - Extension of dwellinghouse
- Class 15 - Garden sheds and summer-houses
- Class 16 - Fences, walls and gates
- Class 17 - Private garages and car ports

Reason: To control future development on the site.

C 3. Notwithstanding the submitted details, details of all external facing materials including windows, doors and external walls, shall be submitted to and approved in writing by the Department. The development shall not take place other than in accordance with the submitted details.

Any energy efficiency upgrades within the building should be in accordance with the recommendations of Historic England's Guidance to Energy Retrofit of Traditional Buildings

Reason: In the interests of the character and appearance of the site and surrounding area.

C 4. The development hereby approved shall not be occupied or operated until the access/driveway, parking and turning areas have been provided in accordance with the approved plans (Drawing Nos. JD2/1 and JD2/2). Such areas shall not be used for any purpose other than for access, parking, and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that the development will not compromise the free flow of traffic or highway safety.

C 5. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Planning Department and these works shall be carried out as approved.

Details of the hard landscaping works to include details of landscaping/pedestrian paths to the front of the dwelling, driveways, parking and turning areas, and patio area shall also be provided. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

All further planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner.

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

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 6. Prior to the commencement of the development hereby approved, details of the proposed foul sewage and surface water drainage system[s] including biodisc shall be submitted to and approved in writing by the Department.

The strategy shall not include any discharge to the abutting land to the east.

No part of the development shall be occupied until the agreed foul sewage and surface water drainage system has been implemented.

The foul and surface water drainage system[s] shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

C 7. No development shall be commenced until an Updated Tree Plan prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction) has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees and other planting which are to be retained; a planting specification to include numbers, species and positions of all new trees and shrubs; and a programme of implementation.

Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by

the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: To safeguard the existing trees and planting to be retained within the site.

C 8. Prior to the removal of any tree on site, a Pre-Felling Risk Assessment by a suitably qualified ecologist shall be submitted to and approved in writing by the Department, as the trees on site were found to have potential roost features for bats.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 9. The development hereby approved shall not be commenced until a Bat and Bird Box Plan have been submitted to an approved in writing by the Department.

This plan should provide details, including the specifications and location of 1x bird nest brick suitable for common starling on northern elevation of the building and 1x bat box suitable for crevice roosting species on the southern elevation of the building.

The Bat/Bird boxes shall be retained thereafter.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 10. Prior to any works (including site clearance) commencing on the site, a Precautionary Working Method Statement for lizards, breeding birds and Schedule 8 plants, written by a suitably qualified ecological consultancy, shall be submitted to and approved in writing by the Department.

The statement shall include the provision of a new hibernacula feature for lizards in a sunny spot close to a boundary hedge or wall.

The development shall not be carried out other than in accordance with the submitted Method Statement.

Reason: To provide adequate safeguards for the ecological species existing on the site.

Reason for approval:

The proposal is considered to respect the proportion, form and appearance of the existing dwelling as required by Housing Policies 13 and General Policy 2 of the Strategic Plan, and Planning Circular 3/91, and would not harm the character and quality of the landscape or adversely affect the countryside and its ecology, and therefore comply with Environment Policies 1, 4 and 5, and General Policy 3 of the Strategic Plan.

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### **Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Manx Utilities Authority Electricity

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject

matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

The owner/occupiers of Heatherfield, 13 Victoria Road, Port St Mary, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Ballamaddrell House, Ballabeg, Arbory; and  
12 Croit ny Glionney, Colby,

As they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy

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### **Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL DOES NOT COMPLY FULLY WITH HOUSING POLICY 13 OF THE STRATEGIC PLAN BUT IT IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The site is the curtilage of an existing two storey traditional cottage with external walls finished in Manx stone which has its external wall finished in lime/render, while the roof is finished in grey slate roof tiles, situated on the eastern side of Grenaby Road (B40). The house sits on a triangular plot and at the intersection between Grenaby Road and the dirt road serving the dwellings to the east of the site (Lower Ballavarkish and Thie Kella).

1.2 The existing dwelling on site is currently in poor form with large sections of the eastern elevation and rear elevation are covered in overgrown shrubs which has grown into the building's fabric and now screens large sections of the dwelling; a condition that reinforces the property's level of dereliction.

1.3 The vehicular access appears to be at the rear of the property, although this is not clearly defined as the site is covered in significant amounts of wild shrubbery. The existing pedestrian entrance is located to the southern corner of the plot with access onto the Grenaby Road. The majority of the site is made up of a garden with a considerable number of mature trees sprung along its boundary; some of which has been partly felled and recently trimmed.

#### 2.0 PROPOSAL

2.1 The application seeks approval for reinstatement to dwelling, erection of two storey rear extension and rear pitch roof dormer, and alterations (including roof lights, re-rendering, re-roofing, chimney repair, and new window and door installations). This proposal which seeks refurbishment of the derelict house which has lost its habitable status would involve:

i. Renovating the entire house and erecting a new two storey extension at the rear of the existing building. The new extension would project 6.1m from the rear of the existing

dwelling, be 6.4m wide and 6.6m high (4.5m to the eaves). This rear extension which would have its ground floor level set about 1m below the floor level of the main dwelling due to the topography of the site would also have its roof ridge set about 100mm below the main roof ridge. The roof of the extension would be finished in slate, while the external walls would have exposed stone work. The new extension would have large sections of glazing to improve solar gain and natural lighting.

ii. Works on the existing dwelling would involve reinstating the slate roof over the dwelling and with the external walls re-rendered in lime render. New Georgian style sliding sash and casement windows would be installed to reinstate the previous windows appearance on the dwelling. There would also be works on the existing chimney stack on the roof to reinstate its original appearance.

iii. The works would also involve the erection of a pitch roofed dormer on the rear roof plane of the dwelling. The new dormer would be 2.1m high, be set 100mm below the main roof ridge, and be positioned about 930mm away from the eaves at the rear. The dormer would also have a Georgian style sliding sash window to reflect the window appearance on the dwelling. The dormer cheeks would be finished in painted render to match the appearance of the main dwelling.

2.2 This new extension would create a new floor area measuring about 78sqm on both the ground floor and first floor areas which would measure about 53.6% of the existing dwelling which has a floor area measuring 145.44sqm (measured externally). The new dwelling would have a utility, bedroom with ensuite, entrance hall, lounge and garden bedroom with ensuite (with retractable sliding partition between the lounge and bedroom on the ground floor. The first floor would have an open plan lounge/kitchen and dining area, a separate lounge, and a mezzanine bedroom with ensuite.

2.3 Other works proposed would include:

- i. Installing a new velux rooflight measuring 400mm x 750mm on the rear roof plane and by the new dormer to serve the stairs.
- ii. Installing a skylight on the southern roof plane of the new extension.
- iii. Creating a large raised patio area at the rear of the dwelling, built along the rear (east) and south elevation of the new extension.
- iv. Installing electric vehicle charging point on the northern elevation of the extension.
- v. Erecting a bicycle shed measuring 2m x 2m on the eastern boundary of the site. No details of material and height have been provided.
- vi. Installing rain water tank on the south elevation of the main dwelling. No details have been provided on the design, appearance, and volume of water it can hold, or whether it would be above ground or subterranean.
- vii. Installing a new soakaway and biodisc that would discharge into stream by the eastern boundary of the site. No details have also been provided on the proposed biodisc.
- viii. Installation of solar panels. No details provided.
- ix. The existing vehicular access will be retained but with modifications to the driveway and the removal of trees at this section of the site to improve access to the site.

2.4 Three mature trees would be lost to works, although four additional trees will be planted at various sections of the site. The works would also involve extensive landscaping works to improve the entire site area.

2.5 The applicants have provided Letter which gives a clear description of the scheme, as well as the considerations that guided the design of the scheme. This letter also addresses matters related to ecological considerations, and issues related to low voltage line that crosses the site.

2.6 The applicant describes the condition of the existing dwelling as dilapidated. A Structural Inspection Report (by BB Consulting Engineers) dated 19 May 2020 has also been provided by the applicants as supporting information to support the claims. This report also indicates that the building is capable of renovation.

2.7 A protected Species Report prepared by Manx Wildlife Trust and dated December 2021 was submitted as supporting information. This report concludes that the site has the potential to support protected species, including bats, birds, and common lizards. It recommends mitigation measures and stipulates that further survey is required.

2.8 Another protected Species Report prepared by Manx Wildlife Trust and dated August 2022 was submitted as requested by the previous survey. It concludes that there is no evidence of bat roost, although it recommends a precautionary approach along with potential enhancement features. Common Pipistrelle was found to be evident along the boundary of the site.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South (APS) (2013) as not for any particular purpose, and the site is not within a Conservation Area. The site is not within a Registered trees area or flood risk area and there are no registered trees on site. The site also lies within an area of Incised Slopes on the draft Landscape Character Appraisal where the key objectives are:

- i. To protect the tranquil, rural character of the area with its open views.
- ii. Sensitive location of new buildings and the use of screen planting.
- iii. Avoidance of physical or visual amalgamation of roadside housing.
- iv. Protection and enhancement of the identity of Ballabeg and Colby by the conservation of the rural character of the adjacent landscape."

3.2 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However there is provision within Housing Policy 13 to enable the reinstatement of rural dwellings which have lost their former residential use by abandonment through the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost.

3.3 Housing Policy 13 states: "In the case of those rural dwellings which have lost their former residential use by abandonment, consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost.

Where:

- a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and
- b) there is an existing, usable track from the highway; and where
- c) a supply of fresh potable water and of electricity can be made available from existing services within the highway.

This policy will not apply in National Heritage Areas (see Environment Policy 6). Permission will not be given for the use of buildings more ruinous than those in (a) above, or for the erection of replacement buildings. Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building (i.e. in terms of floor space(3) measured externally, the extension measures less than 50% of that of the original)."

3.4 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.5 Paragraph 8.12.2 Extensions to properties in the countryside

"As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this."

3.6 Since the proposal seeks to re-establish the residential status of the site, it would be relevant to consider the general standards of development as set out in General Policy 2, particularly as it relates to the following elements, which requires that the scheme:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;

(f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;

(g) does not affect adversely the amenity of local residents or the character of the locality;

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;

(j) can be provided with all necessary services;

(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;

3.7 Strategic Policy 1 states: "Development should make the best use of resources by:

(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;

(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and

(c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.8 Transport Policy 4: "The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan."

3.9 Transport Policy 7: "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

### 3.9.1 Appendix 7:

"Typical Residential - 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling".

3.10 Environment Policy 1 states: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.11 Environment Policies 4 and 5 seek to protect the ecology of sites and important habitats.

3.12 Strategic Policy 4: Proposals for development must:

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and

(c) not cause or lead to unacceptable environmental pollution or disturbance.

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are; Infrastructure Policy 5, and Community Policies 7, 10 and 11.

## 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.3 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials".

The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

## 4.2 The Isle of Man's First Biodiversity Strategy 2015-2025

### 4.2.1 Habitat loss

"Biodiversity is being lost around the world despite the CBD target to halt biodiversity loss by 2010. Monitoring of indicators is required to quantify biodiversity losses, confirm the main causes and enable targeted action to halt this trend.

Our knowledge of Manx terrestrial habitats and land use is based on maps made between 1991 and 1996. This urgently needs revising in order to quantify habitat changes, understand the reasons and address the causes. Loss is caused not just by active destruction, but also lack of effective management and natural changes such as scrub invasion. Wildlife legislation on the Isle of Man is designed to prevent habitat loss".

### 4.2.2 Habitat loss actions



"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for.  
22. By the end of 2015 complete a land use and terrestrial habitat assessment to understand rates of habitat loss, use this information to help prioritise habitat and species conservation, through Biodiversity Action Plans, and consider how to monitor success".

## 5.0 PLANNING HISTORY

5.1 The application site was the subject of a recent application for Approval in principle for the erection of a replacement detached dwelling addressing matters of siting, access, internal layout, external appearance and design under PA 20/00060/A. This sought to demolish the existing dwelling and replace it with a new dwelling. The application was refused for the following reasons:

"1. The proposed development would fail to comply with Housing Policy 12 (b) given that the existing dwelling is of architectural or historic interest and is capable of renovation, with the scheme failing to demonstrate intention to restore, despite the structural condition of the dwelling which is suitable for restoration.

2. Notwithstanding the first reason for refusal, the planning application a) fails to demonstrate that the property has not lost its habitable status by abandonment; and b) does not provide sufficient information with regard to evidence of intervening use as stipulated in Housing Policy 12 and as such is considered to fail the requirement of Housing policy 12 (a) for replacement dwellings.

3. The proposed development in terms of its approach to the formation of a new dwelling will fail to comply with Housing Policy 13, given that it is a rural dwelling which has lost its former residential use by abandonment as measured against the criteria set in Housing Policy 12.

4. There is insufficient information provided with regards to trees and bats at the site which would lead to a conclusion that there would be no adverse impact in respect of these issues. The unacceptable loss or harm to the trees having an impact on the character of the site contrary to General Policy 2 (f) and (g) and the cumulative loss of the dwelling and trees without sufficient mitigation being provided would result in an unacceptable adverse impact on protected species and their habitat contrary to Environment Policies 1 and 4."

## 6.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose'(15 April 2022/29 April 2022/26 August 2022/16 September 2022/23 September 2022). They note that they find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking. They also welcome the installation of bicycle parking and electric charging point.

6.1.1 DOI Highways Division have also indicated in their most recent consultation dated 1 November 2022 that they make no further comment to their last consultation response on 23 September 2022.

6.2 Manx Utilities object to the application as there is a low voltage overhead line in the area of the planning application. They however, provide a phone line for contact should works be required to divert the overhead line. They also note that Manx Utilities will not accept liability for any costs incurred for this work.

6.2.1 In response to this consultation comment, the applicants have indicated via their Letter dated 1 March 2022 that they are willing to pay for the line diversion by Manx Utilities should approval be granted for the scheme.

6.2.2 Manx Utilities have made the following comments in their most recent consultation comments dated 8 November 2022:

Following discussions between the applicant and our engineer, subject to the agreed removal of the existing overhead line, Manx Utilities would like remove their objection to this planning application.

6.3 The Ecosystem Policy Team have made the following comments regarding the application (03 May 2022/28 September 2022):

- o They are glad to see that biodiversity was considered at an early stage of this application and we can confirm that we are happy with the Manx Wildlife Trust's Protected Species Report dated December 2021.

- o They request that a condition is secured for a pre-felling risk assessment to be undertaken by a suitably qualified ecological consultancy prior to the felling of any trees and should potential roost features for bats be found then additional mitigation be integrated on site, to be advised by the ecologist.

- o They request that a bat and bird box plan is submitted to Planning for written approval prior to works commencing. This plan should provide details, including the specifications and location of 1x bird nest brick suitable for common starling on northern elevation of the building and 1x bat box suitable for crevice roosting species on the southern elevation of the building.

- o They also request that a condition is secured on approval for a Precautionary Working Method Statement for lizards, breeding birds and Schedule 8 plants, written by a suitably qualified ecological consultancy, to be submitted to Planning for written approval prior to works (including clearance and enabling works) taking place, and for the works to then be undertaken as per the agreed statement. They also believe that this statement should include the provision of a new hibernacula feature for lizards in a sunny spot close to a boundary hedge or wall.

6.4 DEFA's Arboricultural Officer has made the following comments regarding the application (13 May 2022/ 26 August 2022):

- o Due to the removal of at least 1 category B tree, a >50% reduction in canopy cover, and inadequate mitigation planting, I am forced to object to this application.

- o Given the very low amenity value of the trees for removal, and the relatively low number of trees for removal, I believe the proposal would be acceptable if the mitigation was improved.

- o Mitigation could be improved by planting one additional tree adjacent to the roadside, and one in the south-east corner of the plot, as per in the attached image.

- o They request that an updated 'Tree Plan' be made a condition of approval, and note that if this is done, they would have no objections to this proposal.

6.5 DEFA's Principal Registered Buildings Officer has made the following comments regarding the application in a letter dated 15 August 2022:

- o He supports the retention and reuse of the property and therefore the proposal.

- o He states that in order to safeguard the character of this vernacular cottage, timber windows and doors should be used on principal elevations.
- o He advises that any new render to the main dwelling should be on traditional material and states that details of any proposed render and other materials should be conditioned to safeguard the buildings character and appearance.
- o Any energy efficiency upgrades within the building should be mindful of Historic England's Guidance to Energy Retrofit of Traditional Buildings, as the use of inappropriate materials could lead to the creation of damp issues at a later stage.

6.6 Arbory Commissioners consider the application is a significant improvement on previous applications, but are concerned with the significant tree loss with the development (29 April 2022).

6.6.1 Arbory Commissioners have indicated that they support the application in their most recent consultation dated 22 November 2022.

6.7 The owner/occupiers of Heatherfield, 13 Victoria Road, Port St Mary (who own the adjacent land) object to the application on the following grounds (29 July 2022).

- o Water run-off will be directed into field that is part of their holding and that this could impact the land which is farmed.
- o Considerable water accumulations in the southeast corner will be exacerbated by any extra hard standing.
- o Discharge of foul water from biodisc into their field.
- o The site currently has no access and parking. Additional hardstanding to create this would result in further flooding.
- o Removal of trees and hedging, noting that trees.

They flowing comments were also made:

- o They note that the drawings of the existing elevations do not show the existing retaining wall, that supports the road. This must not be removed. It is not just a supporting wall but an integral part of the character of the cottage.
- o They refer to the original layout of the cottage and note that the existing plan does not reflect the original layout.
- o The reiterate the need to protect the islands built heritage.

6.7.1 Having reviewed the comments by the owner/occupiers of Heatherfield, 13 Victoria Road, Port St Mary, the applicants have sent in correspondence dated 4 October 2022 which states the following:

- o The outflow from the biodisc was intended to flow south to the ditch that runs along the farm lane, not eastwards into the neighbouring field. This has been corrected on the amended site plan.
- o Access off the road was not "created a couple of years ago". When the cottage was occupied, a tractor used to enter the rear garden via this entrance to plough the land for potatoes. This application only re-established this entrance by cutting back vegetation.
- o Parking is feasible inside this entrance. They note that they are keen to ensure that (once occupied) there will normally be no need for vehicles to park on the road.
- o Regarding tree removal, one cherry tree on the north side was removed (reluctantly) with permission as it would be on or very close to any extension to the cottage. It was also very close to the power line. They note that they plan to plant several new ones and shrubs.
- o They appreciate that new trees do not immediately replace old ones. However, they will be installing bat and bird boxes on site to help mitigate loss of habitat in the short term.
- o No part of the eastern bank (the boundary) is being removed, indeed it will be enhanced by additional tree and shrub planting. The cottage's north wall, which supports the

road, will not be removed but will need thorough checking by a structural engineer and possibly repairing/strengthening.

6.7.2 Further to the correspondence provided by the applicants, the applicant's agent has sent in correspondence dated 13 November 2022 which seeks to address the concerns related to drainage into the adjacent land to the east of the application site. The correspondence indicates that the applicants will comply with an approval condition that require an updated drainage scheme that would not discharge into the adjacent site.

6.8 The Owners/Occupiers of Ballamaddrell House, Ballabeg, Arbory, have made the following comments regarding the application (5 September 2022):

- o The comment refers to marshy conditions within the adjacent field.
- o It states that the plan would severely impact the ecology of the area; and note that a cherry tree has already been felled that was locally known as the Bee Tree, but also an original sod hedge has been bulldozed.
- o The representation states that water run-off from the extra hard standing will increase the threat to an already flood prone area. It also states that the clay soil in the area is very slow to drain.
- o The comments refer to impact of building works on access by residents and farmers alike and state that the works would disproportionately disrupt many people including those times when the road is used as a relief road at race times.

6.9 The owner/occupiers of 12 Croit ny Glionney, Colby, have indicated support for the scheme with the following comments (2 November 2022):

- o They note their interest in purchasing Ballamaddrell Cottage and understand that the application is to be considered by the Planning Committee shortly.
- o They state that they are keen to see the cottage restored and state their historic ties to the original dwelling and the area.
- o They note that they have researched how best to restore the cottage and have read and considered Historic England's guidance as suggested by the Registered Buildings Officer.
- o They note that they have also taken advice from friends who have renovated Manx stone buildings using lime render systems and have kindly been permitted to view two local properties where there has been a conversion of a barn in the first instance and in the second, a modern extension to an old Manx cottage, to gain a better understanding of the renovation process.
- o They state that they are keen to maintain the integrity of the existing cottage and wish to keep it as close to its original form as possible whilst sensitively extending to make this a family home.
- o They state that their daughter has just started at Arbory School, and having lived in Arbory for almost 10 years, this is where they would like to remain.

## 7.0 ASSESSMENT

7.1 The main issues in the assessment of this application are:

- i. The principle of the proposed development
- ii. The structural condition of the building and its adequacy for renovation and extension;
- iii. Impact of the proposal upon the character of the building;
- iv. Impact of the proposal upon the amenity of the landscape;
- v. The ability to provide services to the property and the associated impact of this.
- vi. Impacts upon highway safety
- vii. Impact on trees/ecology;

## 7.2 THE PRINCIPLE (GP 3B, HP 13 & STP1)

7.2.1 In assessing the principle of the proposed development, it is considered that whilst the site is not designated for development, the principle of reinstating and extending the existing

dwelling is considered acceptable and compliant with General Policy 3 and Housing Policy 13, given that the existing fabric would be used together with an extension to from the new dwelling on site.

7.2.2 Additionally, the scheme would ensure the restoration of a derelict dwelling (Strategic Policy 1) which still bears architectural, historic, or social value and interest. This is, however, not an automatic reason to allow development as further material planning matters as indicated previously need to be considered, to determine if the current scheme proposed for the site is appropriate.

### 7.3 THE STRUCTURAL CONDITION OF THE BUILDINGS (HP 13)

7.3.1 In terms of determining the suitability of the existing building on site for renovation and extension, it is vital to reiterate here that the existing dwelling on site has lost its habitable status. However, the existing building is substantially intact as the walls are still substantially intact, although they would still require some works to ensure that any new building they form is habitable. In fact, the current state of the buildings on site is well above that required by Housing Policy 13 which requires that there being at least three of the walls, standing up to eaves level and structurally capable of being retained, as all the walls are still in place.

7.3.2 The above is clearly indicated in the Structural Inspection Report (by BB Consulting Engineers) dated 19 May 2020 that has been provided by the applicants as supporting information which concludes that the perimeter and internal load bearing walls of the dwelling are in a satisfactory condition. This report also states that the walls are reasonably straight, true and plumb, although there are cracked sections on the walls which are not progressive, which some of the walls needing to be rebuilt. In fact, this report reinforces the fact that the building could be renovated, although with substantial works to the roofs to create a new roof structure for the dwelling. Based on the foregoing, it is judged that the building is structurally capable of renovation with the scheme considered to comply with the requirements of HP13.

### 7.4 VISUAL IMPACT OF THE PROPOSAL UPON THE CHARACTER OF THE EXISTING BUILDINGS (HP 13, HP 15, & GP 2)

7.4.1 In terms of the visual impact of the proposal on the existing dwelling, it is noted that the proposal seeks to form a single dwelling from the existing built fabric of the dwelling on site, together with a two storey extension which is of traditional form, although including modern elements in the form of large glazed sections on the east and south elevation which do not directly abut the highway. As HP13 makes provision for re-establishing the ruined fabric and extensions, placing emphasis on the need to ensure that any new extensions are subordinate to the building to which they would be attached, it is not considered that the scheme would fail this requirement as its roof ridge would be set lower than the existing dwelling. Also its indented position on the sides would ensure this appears as an extension to the main dwelling.

7.4.2 Whilst it is noted that the proposal would result in an extension that is over the stipulated 50% increase over the existing, it is not considered that the additional 3.6% increase over the stipulated 50% would be such that would prevent the extension from being subordinate to the main dwelling.

7.4.3 The other key issue in evaluating the visual impact of the proposal relates to whether the design, proportion and form of the extension would be an appropriate given the traditional nature of the existing buildings here. In this case, it is considered that the extension would align with the requirements of Planning Circular 3/91 which favours a pitch or lean-to roof over the extension as illustrated in the supporting texts and illustrations to Policy 3 of the Circular which stipulates that additions to basic form (flat roofs) are not

acceptable. Additionally, the retained vegetation along the boundary of the site and the use of slate tiles to re-establish the roof over the main dwelling and over the extension, as well as the use of natural stone (un-rendered) to create the walls of the extension would ensure that the scheme blends into the character of the site and area.

7.4.4 Accordingly, it is considered that the visual impact of the scheme would be acceptable and compliant with the aforementioned policies.

## 7.5 IMPACT OF THE PROPOSAL UPON THE LANDSCAPE (SP 4, GP 2 (C & F), AND GP 3 (C), AND PLANNING CIRCULAR 3/91)

7.5.1 With regard to impacts on the landscape, it is considered that the existing buildings have a presence within the landscape which could be considered positive given the unique appearance of the existing dwelling which blends with the vegetation along the site boundary and on site. What is proposed here would retain the building which is now an established part of the landscape, whilst integrating a modern element which would offer a modern contrast in addition to allowing the existing dwelling provide a visual reference to the Island's countryside heritage.

7.5.2 Whilst the new building fabric would include the new stone finished element with large modern fenestrations and glazing, the design and form of this extension, as well as the nature of the land around the site (particularly from the abutting highway would ensure that the extension is not prominent or result in adverse visual impacts when viewed from the surrounding area.

7.5.3 Another key factor which weighs in favour of the development in terms of impacts on the landscape is the fact that the proposal would include tree plantings to make up for tree loss, retain the boundary walls and sod banks, as well as other improvements that have been stipulated in the Preliminary Ecological Assessment such as planting of native trees on site, and removal of invasive plant species which would all benefit the quality of the landscape on site and in turn the surrounding countryside landscape.

7.5.3 Overall, as the development would retain significant portions of the built fabric for the affected rural building, follow the traditional form, and retain the existing landscaping on site and along the site boundary, it is considered that that the development will ensure the retention of the Islands built heritage, and improve the appearance of what has now become a derelict fabric; thus complying with Strategic Policy 4, General Policy 2, General Policy 3b of the Strategic Plan, and Planning Circular 3/91.

## 7.6 RESIDENTIAL AMENITIES AND SERVICES FOR FUTURE OCCUPANT (HP13 AND GP2H & J)

7.6.1 The internal accommodation of the proposed dwelling consists of a three bedroom dwelling (all with en-suites), a utility, entrance hall, a lounge, and an open plan lounge/kitchen and dining area. It is also considered that the internal accommodation would be an acceptable size, and all primary rooms would have adequate level of outlook and light. It is also worth noting that due to the properties location, views from the dwelling itself would be over fields and surrounding vegetation.

7.6.2 Dwellings formed in accordance with HP13 are required to be able to obtain a supply of fresh potable water and of electricity from existing services within the highway. There is, however, nothing to suggest that this cannot be achieved as there are existing dwellings located along the Grenaby Road and the rear lane which abuts the site. The site is also not so detached from the neighbouring properties that it would not benefit from main electricity services. Besides, its position within the landscape is such that would benefit from solar energy sources should they be required. It is considered that such provision could be made in

a manner which would not have unacceptable impacts upon the countryside. The site also adjoins an existing highway to the north and there is an existing usable track from the highway to the rear which could also serve as an alternative access should it be required.

7.6.3 These elements of the scheme are, therefore, considered to comply with the requirements of Housing policy 13 (b & c) and General Policy (h & j).

#### 7.7 IMPACTS UPON HIGHWAY SAFETY (GP 2, HP 13, TP 4 AND 7)

7.7.1 With regard to impacts on highway safety, it is noted that HP13 requires at Part b) that there is an existing, usable track from the highway to serve a dwelling formed from an abandoned (non-habitable) dwelling. In this case, the dwelling already has an existing opening on the boundary wall which can safely and conveniently serve as access to the highway, as such the requirement of HP 13 (b) has been met in this regard.

7.7.2 Likewise, the new site layout would enable the creation of at least three (3) new parking spaces within the curtilage with provision for one vehicle charging point, as well as an additional provision for secure cycle storage within the site, which would be well over the required parking provisions for residential properties. As such, the requirements of GP2 and TP 7 are met in this regard.

7.7.3 It is also important to note that the Highways Division have reviewed the scheme and raise no opposition to the proposal.

#### 7.8 IMPACT ON SITE ECOLOGY/TREES (GP2, EP 1, EP4 & SP 4)

7.8.1 In terms of impacts on trees, it is considered that the proposal would involve the removal of three mature trees on site, although new native trees would be planted on site as required by DEFA forestry which would be a positive for the development. A condition would, however, be imposed to ensure that an updated 'Tree Plan' be provided by the applicants to ensure that the requirements of DEFA forestry to achieve appropriate mitigation on site for the tree loss is met.

7.8.2 With regard to impacts on ecology, it should also be noted that the application is supported by Protected Species Reports which show that the site has potential to support protected species, including bats, birds, and common lizards. These reports have been reviewed by the DEFA Ecosystem Policy Team who do not object to the application but have recommended a number of conditions to ensure that there are no adverse impacts on the ecology of the site. As any adverse impacts would be effectively controlled by the recommended conditions and implementation of the recommended mitigations in the Protected Species reports, it is considered that the proposal would comply with the requirements of Environment Policies 4 and 5, as well as General Policy 2 (d).

#### 7.9 OTHER MATTERS

7.9.1 The comments regarding the discharge of run-off and foul discharge from the site and biodisc into the adjoining land area is noted. However, this has been addressed by the applicants who are willing to provide an alternative drainage system for the site. As such, a condition would be imposed to ensure that an updated drainage scheme is submitted and that there is no discharge from the site into the adjoining land. This would ensure that the concerns regarding discharge of surface water and foul (via biodisc) into the adjacent site is addressed within the current scheme.

7.9.2 The matters related to impacts of construction works on traffic and general construction impacts, bear no weight as material planning considerations and as such cannot be considered in the assessment of this planning application. These issues would be better addressed via the appropriate legislation outside the remit of planning.

7.9.3 All other matters highlighted by the submitted representations which border on historic character, access, parking, trees and boundary treatment have been addressed in other sections of the assessment and as such would not be reconsidered here.

7.9.4 No other concerns have been noted.

## 8.0 CONCLUSION

8.1 Overall, it is considered the proposal would comply with General Policy 3, Environment Policies 1, 4 and 5, and Housing Policy 13 of the Isle of Man Strategic Plan, and Planning Circular 3/91. Therefore, the proposal is recommended for approval.

## 9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.



## PLANNING AUTHORITY AGENDA FOR 5th December 2022

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### Item 5.3

**Proposal :** Additional use of fenced paddock for private dog walking (retrospective)

**Site Address :** Field 534504  
Sunnyside  
Whitebridge Road  
Onchan  
Isle Of Man  
IM4 6AD

**Applicant :** Miss Katie Druggan

**Application No. :** 22/01237/C- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

#### N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The approval does not in any way permit the creation of permanent dog care facilities on the site or the erection of structures on the site.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 3. The field may only be used as a dog walking field in support of the dog care business by Sunny Acres Dog Walking Paddock, together with the existing agricultural use.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and any alternative uses for the field other than the approved use or agricultural use will require further consideration.

C 4. The use hereby approved, shall only be operational between the hours of 9.30 - 4.00pm in winter, and 9.30 - 9pm in summer. No dogs shall be kept onsite overnight.

Reason: In the interests of the amenity of neighbouring residents in accordance with Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

C 5. The use hereby approved is only for the provision of fenced paddock for private dog walking and shall only be operated by Katie McIntyre Druggan and only whilst operating their dog care business. Upon the cessation of the dog care business, the use of the field for provision of a fenced paddock for private dog walking hereby permitted shall cease.

Reason: This permission is granted exceptionally and the Department wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.

Reason for approval:

The proposal is considered to broadly accord with the principles advocated by General Policy 3 and Environment Policy 22 of the IOM Strategic Plan. No unacceptable adverse impact has been identified as likely with respect of the character and appearance of the surrounding landscape or the residential amenity of the neighbours.

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### **Interested Person Status – Additional Persons**

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Unity Cottage, Bibaloe Beg Road, Onchan, as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy

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### **Planning Officer's Report**

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

#### 1.0 THE APPLICATION SITE

1.1 The application site comprises Field 534504, situated at Sunnyside, and on the northern side of Whitebridge Road, Onchan. The site which measures about 4.6acres (1.86 hectares) shares a farm track with the adjoining agricultural fields which joins the A2 on the eastern boundary of Sunnyside, Whitebridge Road which is about 508m southwest of the Liverpool Arms.

1.2 The existing field is fenced with stock fencing along its entire perimeter with field gate provided to control entry and exit from the field. There are plantings along sections of the site boundary, particularly the north and west boundaries.

#### 2.0 THE PROPOSAL

2.1 The application seeks approval for additional use of fenced paddock for private dog walking (retrospective). The scheme does not involve the erection of any structures on site or changes to the physical appearance of the site area, although it proposes to place items such as tyres, a tunnel and a paddling pool on site to enrich the experience for the dogs, as well as a picnic bench for dog owners to use.

2.2 The applicants have provided a Planning Statement which state the following:

- o They have several dogs which require lots of exercise to keep them happy and healthy and have been using the field for a long time.
- o They note that it is now common practice in the UK for pet owners to pay for use of land in order to give their dogs off lead exercise and that many owners have diversified and set aside small portions of land as dog walking paddocks with use charged.

- o The paddock was opened in 2020 spurred on by the Corona virus pandemic and wanting to provide somewhere for people to walk their dogs while maintaining social distancing.
- o The paddock has its own access from Garey Road and there is a parking area with parking for three vehicles at the entrance which is between two sets of gates for improved security. There is also a lay-by and turning area on Garey Road by the entrance.
- o Opening Hours: 9.30 - 4.00pm in winter, and 9.30 - 9pm in summer. When in hot weather, in the interest of animal welfare slots are opened up from 5-7 in the mornings and closed at 10pm.
- o They have an online booking system for clients to book out slots. Generally there is one or two vehicles at any one time and there are 5-8 bookings over the course of the day.
- o Dog owners are responsible for collecting and disposing of their dog waste and receptacles are provided on site. This is double bagged and disposed of appropriately.
- o They provide further details on benefits of having private area for dogs and to have off lead exercise.
- o They also refer to a recently approved application under PA 21/01050/C.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated as not being for any particular use or purpose on the Area Plan for the East and within Landscape Character Area D3. The site is not within a Conservation Area, or prone to flood risks, although the northwest boundary of the site is susceptible to high surface water flood risks. The site is not within a Registered Tree Area, and there are no protected trees on site.

3.2 The Area Plan for the East landscape character Assessment for the Area (Conrhenny & Groudle (D3) states the following:

#### 3.2.1 Landscape Strategy:

Conserve and enhance:

- a) the character, quality and distinctiveness of this area of relatively sparse settlement;
- b) its valley bottom woodland;
- c) its National Glens;
- d) the various archaeological features within the area

#### 3.2.2 Key Views:

"Dramatic views to an Upland backdrop to the North and West.

Dramatic, panoramic views eastwards across the ever-changing colour and nature of the sea and sky, contribute to strongly recognisable sense of place.

Close and distant views to the northern edge of Onchan/ Douglas settlement, which is visually harsh in places.

Channelled views along the corridor of the Groudle River, which is enclosed in places."

3.3 Given the above, there is a general presumption against development here as set out within the IOM Strategic Plan (Environment Policy 1 and General Policy 3). However the same plan also makes provisions for development which would be required for the interpretation of the countryside, its wild life or heritage.

3.4 General Policy 3: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

#### 3.5 Environment Policy 1:

The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan.

Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative.

3.6 The general development principles within General Policy 2, particularly those relating to visual impacts, highway impacts or impacts on neighbouring amenity would be relevant.

3.7 Environment Policy 22: Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:  
iii) vibration, odour, noise or light pollution.

#### 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 In addition to the policy situation set out in section 3 above, the care of animals is generally something that may need to happen away from built up areas due not only to the noise nuisance which could arise but also due to the size of premises required and ideally some outdoor exercise space. Examples given in 5.0 below illustrate the range and types of locations where this type of facility can be considered acceptable.

#### 5.0 PLANNING HISTORY

5.1 The application property has not been the subject of any previous planning applications. However, there have been a number of dog day care facilities approved in recent times, most of which have been within existing Industrial Estates although there have been a number across the Islands countryside. These include:

- o 17/00364/B - Conversion of agricultural store to day care facility for dogs, including improvements to existing access road and junction from main road, Ballablack Farm, Arbory. Approved subject to 3 conditions.

- o 21/01050/C - Change of use of land from agricultural to dog walking field, Field 321821 Ballanicholas, Garth, Crosby. Approved subject to 6 conditions.

5.2 There have also been a number of refused dog day care facilities including:

- o 19/00646/C - Lapwings, East Foxdale Road, Eairy - Whilst the location was considered suitable, the access and visibility was of concern and the proposed operation would result in the harmful impact on highway safety.

- o 16/00381/C - proposed the change of use from forestry buildings to a dog day care facility at The Tanyard in Santon and this was refused for reasons relating to the poor visibility for and of those emerging from the site and also for the considerable noise nuisance which could be experienced by the dwelling on the other side of the road.

Note: These applications were refused mainly on highway safety grounds and noise nuisance.

#### 6.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in the letter dated 7 October 2022.

6.2 Onchan Commissioners recommend approval for planning purposes only (18 October 2022).

6.3 The owners/occupiers of Unity Cottage, Bibaloe Beg Road, Onchan has made the following comments regarding the application (17 October 2022):

- o This is an agricultural designated field in an area classed as outstanding beauty. As such long-time placement of non-agricultural items (boat, container, benches, tables etc) should not be permitted. These are highly visible from roadside.
- o Operating a non-agricultural business on the land and the associated risks of dogs being off leash with farm animals in surrounding fields and heavy traffic (Fun Barn directly opposite) on the main Whitebridge road is a major cause for concern.

## 7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the current application are:

- a. Whether the principle of the development would be acceptable for the site;
- b. Whether there would be adverse impacts on the landscape;
- c. Whether there would be any impacts on the residential amenity of neighbours; and
- d. Impacts on highway safety

7.2 The principle of the development (GP3 & EP1)

7.2.1 The site is not designated for development, as such, the main issue in this case is whether the proposal complies with the provisions of General Policy 3 and if not, whether there are any material considerations which would justify a departure from the policy which presumes against development in the countryside.

7.2.2 In determining whether to permit the use of the agricultural field as a dog walking field, there is a requirement to balance the need to protect rural areas for their own sake (EP1) whilst also having regard to the importance that the Manx countryside has as a recreational asset (GP3). In some exceptional cases the countryside may be able to accommodate low impact uses which provide the opportunity for members of the public to experience the Island without adversely affecting its character.

7.2.3 General Policy 3 sets out the exceptions to the presumption against development in the countryside and the pertinent section which may give rise to support for this application is GP3 (h) which deals with buildings or works required for interpretation of the countryside, its wildlife or heritage. In the case of the current scheme, no buildings or permanent structures would be introduced on site, although tyres, a tunnel, a paddling pool on site to enrich the experience for the dogs, as well as a picnic bench for dog owners would be kept on site. These could easily be removed from the site without creating noticeable physical changes to the site area.

7.2.4 Likewise, the proposed use would enable significant levels of interaction with the natural environment via dog walks and runs which would offer opportunities to explore the natural environment. These interactions are not considered to be significantly different from hiking and sightseeing which are key forms of tourism on the island, although in this case, it relates to dogs. It would, however, be vital to note here that dog walking is also an established leisure activity on the Island; particularly along hiking trails, footpaths and sites in the countryside. Besides, the scheme would provide opportunities for the dogs and their carers to better understand and enjoy the countryside around them.

7.2.4 Additionally, the nature of the proposed use is such that requires space and a degree of isolation to ensure the care of the animals and to limit harm to residential amenity; conditions which the proposed use would facilitate, given that the dogs and carers would have access to about 4.6acres acres of field.

7.2.5 Based on the forgoing, it is considered that the broad principle of the proposed use would be acceptable, and the additional use would not be unsuitable for the site or the wider rural area.

### 7.3 Impact on landscape (Character appraisal - TAPE)

7.3.1 In terms of impacts on landscape, it is not considered that there would be adverse impacts in that no new structures or buildings would be erected on site to enable the use. Besides, the tyres, tunnel, paddling pool or picnic bench are not features that would materially alter the character of the site area given their scale and number on the field. More so, dogs walking on the field would be no different from sheep or goats walking within the field when assessed visually.

### 7.4 Residential Amenity (EP 22 & GP2)

7.4.1 Environment Policy 22 requires that development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties. In this case, noise and dog fouling are likely to be the main concern, as the other issues identified in EP 22 would not be applicable to the proposal.

7.4.2 With regard to noise generated by the dogs, it is considered that this would notably increase within the site area. Albeit, any barking or noise associated with dog walking would not be unusual or unsuitable for this countryside location, given the issues that have already been assessed in 7.2 above regarding dog walking activities now common in countryside locations. Besides, the closest neighbouring residential property beside 'Sunnyside' (the applicant's residence) is situated more than 100m from the boundary of the field. Ballakaighen House, Whitebridge Road is about 116m away from the eastern field boundary, Ballakaighen Farm, Whitebridge Road is 196.5m to the southeast, Begoade Farm, Begoade Road to the northwest of the field boundary is 316.5m away, while Unity Cottage, Bibaloe Beg Road to the southwest is 415m away. As such, it is not considered that any noise impacts would be significant given the separating distance between the field and neighbouring dwellings; thus ensuring that there are no detrimental impacts unlike sites in built up areas.

7.4.3 In terms of fouling from the dogs, it is noted that agricultural fields are usually associated with animal fouling as this is common in grazing fields. However, in this case, the applicants have stated that the fouling would be placed in receptacles and later removed from site.

7.4.4 Overall, it is considered that the proposal would not adversely impact on the residential amenity currently enjoyed by the occupants of the neighbouring properties, as required by EP 22 of the IOMSP.

### 7.5 Highway Impacts:

7.5.1 In terms of impacts on highway safety, it is considered that there would be no alterations to the existing visibility at the junction between the field track and the main highway which is considered appropriate for the limited number of vehicles that would be using the area on a daily basis.

7.5.2 Additionally, DOI Highways have indicated that they do not oppose the application which is a clear indication that the scheme is acceptable in highway safety terms.

7.5.3 Therefore, it is not considered, in the absence of any objection from Highways, and as the proposal would not significantly intensify the use of the site that there would be any unacceptable highway safety or capacity impacts resulting from the scheme.

## 8.0 CONCLUSION

8.1 Overall, it is considered that the proposed development is considered to be of a scale and nature which would not have an unacceptable impact upon the environment and surrounding countryside. The proposal is, therefore, regarded as acceptable and recommended for approval.

## 9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

## PLANNING AUTHORITY AGENDA FOR 5th December 2022

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### Item 5.4

**Proposal :** **Erection of 133 dwellings with associated drainage and access (amendments to PA 19/00961/B) (retrospective)**

**Site Address :** **School Hill/Westhill Estate  
Castletown  
Isle Of Man**

**Applicant :** **Castletown Commissioners**

**Application No. :** **22/00967/B- [click to view](#)**

**Planning Officer :** **Miss Lucy Kinrade**

**RECOMMENDATION:** **To APPROVE the application subject to a legal agreement**

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### **Recommended Conditions and Notes (if any) once the required legal agreement has been entered into**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the occupation of any dwelling, details of all boundary treatments for all dwellings must first be submitted to and approved in writing by the Department. There shall be lower level fencing or planting where side and rear gardens abut a highway or pedestrian route, and boundary treatments must not be above 1m in front of any building. The development must be undertaken in accordance with the approved details.

Reason: to ensure that the boundary treatment is appropriate for the character and appearance of the estate including pedestrian routes through the development.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012, or any such Order superseding this, no wall or fence may be erected other than those approved in this application, where the fence or wall would sit between any dwelling and a highway including pedestrian routes within the site.

Reason: to retain a pleasant and open estate as shown in the submitted plans.

C 4. No site clearance, preparatory work or development shall take place until the tree protection measures are installed in accordance with those details shown on drawing SC1536/P/10-05 Rev B. The protective measures shall remain in place until the development is complete unless otherwise approved in writing by the Department.

Reason: to ensure that the proposed tree retention is practicable and implemented that the retained trees are adequately protected throughout the construction period.

C 5. Prior to the occupation of the last dwelling, the cycle parking shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-05 Rev B and shall be retained for such purposes thereafter.

Reason: to support active travel and sustainable transport.



C 6. Prior to the occupation of any dwelling, the respective car parking for that dwelling must be provided as shown in the approved plans and thereafter retained for such purposes.

Reason: to ensure off road parking is available in the interest of highway safety.

C 7. Prior to the occupation of the last dwelling the traffic calming measures shall be installed in full accordance with the approved details and retained as such thereafter.

Reason: in the interests of highway safety.

C 8. Prior to the occupation of the last dwelling, the EV charging shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-06 Rev A and shall be retained for such purposes thereafter.

Reason: to support sustainable travel.

Reason for approval:

The proposed changes beyond that previously approved under PA 19/00961/B are considered to have an acceptable visual, amenity and highway safety impact. A new/updated Section 13 Agreement is required in order to ensure the affordable housing and public open space is provided accordingly. The application is considered to meet the tests of Strategic Policies 1, 2, 5 and 12, Spatial Policy 2, General Policy 2, Housing Policies 5 and 18, Recreation Policies 3 and 4, and Transport Policies 2, 4, and 7 of the Isle of Man Strategic Plan 2016, and to meet with the principles of Paragraphs 2.1.11, 4.4.6, 4.4.7, 4.13.1 and 4.13.2 of the Area Plan for the South 2013.

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### **Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

DOI Housing

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### **Planning Officer's Report**

#### THE SITE

1.1 The application site relates to a public sector housing estate run by Castletown Commissioners which has recently been approved for its redevelopment with 133 dwellings comprising a mix of housing types including two, three and four bed dwellings some of which bungalows, some houses and some apartments. Some of the dwellings were also disability friendly accessible bungalows.

1.2 There have been two recently withdrawn applications seeking to relocate 2 of the accessible bungalows to the other side of the site where the land is flatter. During these applications it became apparent that there was a number of other significant works which needed to take place to accommodate the relocation, as well as some other planned works which had evolved through the phasing works at the site and further details are provided for this later in the report (3.0 and 6.0). These changes amounted to the need for the whole site requiring re-submission including the need to address the conditions actioned on the original approval 19/00961/B.

## THE PROPOSAL

2.1 The proposal now seeks to relocate 2 accessible bungalows (B15) to the opposite side of the estate and into the southeast corner. The proposal will also see 16 other two bed bungalows along the southern row being repositioned to accommodate the changes to the accessible units.

2.2 Supporting information indicates that the new site for two accessible bungalows is more level and more easily accessible to public footpaths and to the town centre. Changes to the two properties also includes floor plan changes and a footprint increase by 1200mm, and some internal reconfigurations resulting in changes to window positions. Wheelie bin areas for each dwelling has been added to the frontages.

2.3 Car parking along the southernmost edge will also be modified to relocate the disabled bays outside of the accessible units.

2.4 This application also now proposes to re-angle two dwellings (B16) in the south-west corner to run flat with those already along the southernmost boundary and the creation of an extended roadway to provide access. This also includes the modification of car parking spaces to relocate two outside of the re-angled dwellings.

2.5 Also proposed are the installation of two areas of electric vehicle charging points which have resulted in the loss of 2 car parking spaces within the estate.

2.6 The application submission also includes detail relating to conditions actioned on the original 2019 approval in respect of traffic calming measures, cycle stores, boundary treatments and tree protection. Drawings have also been submitted to clarify the extent of the development works proposed (and already approved as part of 19/00961/B) for the rest of the site which will be built in phases.

## PLANNING HISTORY

3.1 The site has been the subject of a number of historic applications for alterations to existing houses, the erection of new dwellings and alterations to accesses, but the most relevant in this case is PA 19/00961/B for the redevelopment of the estate with 133 properties which was approved subject to a numbers of conditions some of which required detail to be submitted prior to commencement including detail for boundary treatments, tree protection plans, cycle parking and traffic calming measures, a condition was added revoking permitted development for fencing, walls and gates and another to ensure parking was provided in accordance with the approved drawings prior to occupation of dwellings.

3.2 Since 2019 there have also been two applications submitted which primary sought to relocate two bungalows, 21/01508/B and 22/00547/B. Both of these were later withdrawn as they both failed to acknowledge the need for a significant amount of other work to accommodate the changes and which would also need planning approval.

## PLANNING POLICY

4.1 The site is designated on the Area Plan for the South 2013 as Residential. The original application 19/00961/B under which the 133 houses were originally approved was assessed against a significant number of paragraphs and policies of both the Area Plan for the South 2013 (APS) and the Isle of Man Strategic Plan 2016 (IOMSP) these relating to the need for regeneration and redevelopment, suitable urban capacity and density of development, directing development to key centres and on appropriately zoned sites, safeguarding satisfactory affordable housing provision and open space, and ensuring suitable and high quality design and development standards in terms of visual and amenity impacts and highway safety. These paragraphs and policies are listed below in summary but can be

viewed in full in the relevant corresponding documents. Regard also given to the recently released Residential Design Guidance 2021 in development of new dwellings.

#### 4.2 APS 2013

- o Paragraphs 2.1.11, 4.4.6, 4.4.7, 4.13.1, 4.13.2 - relate to processes of 'plan, monitor and manage' through urban capacity assessments, Residential Land Availability Study, regeneration of existing housing stocks and density of development on sites to maximise and make best use whilst consulting with appropriate utilities providers such as IOM Sewerage Authority.

#### 4.3 IOMSP 2016

- o Strategic Policies 1, 2, 5 and 12 - relate to re-use of existing sites, good design and regeneration of existing sites
- o Spatial Policy 2 - directs development to existing key centres including Castletown
- o General Policy 2 - general standards towards acceptable development
- o Housing Policies 5 and 18 - relate to affordable housing and replacement housing
- o Recreation Policies 3 and 4 - amenity and open space for development
- o Transport Policies 2, 4 and 7 - need for appropriate and safe highway provisions

### REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 Castletown Commissioners - no comments received as of 26/09/2022.

5.2 Department of Infrastructure Highway Services - Do not oppose (05/08/2022) - no significant negative impact upon highway safety, network functionality and/or parking. The Applicant is advised to consider revision to any s4 Highway Agreement.

5.3 No comments received from neighbouring properties.

### ASSESSMENT

6.1 There have been two recently withdrawn applications which sought to relocate 2 accessible bungalows to the other side of the site where the ground is flatter and would be more beneficial to any future occupants. During these applications it became apparent that there was a number of other significant works (moving of other dwellings) which needed to take place in order to accommodate the bungalow relocation. Since the original approval of 19/00961/B the agent/applicant also now seeks changes to other parts of the site which have evolved through the construction phase. These include the re-aligning of two dwellings and parking and road layout in the south-west corner and the installation of EV charging points and car parking adjustments.

6.2 Works for the redevelopment of the site as approved under PA 19/00961/B have started and could be carried out in complete accordance with those drawings as approved. The application now proposes the changes referred in 2.0 and duplicates the other works as per 2019 app, and will ultimately act as the new consolidated application for the entire site. The general level of development remains largely unchanged from 2019 and being for 133 dwellings with associated access, and drainage, and so on this basis the 2019 application can be considered a significant material consideration in the assessment of the current application, as the application would need a new/updated S13 agreement the application meets the criteria to be determined by Planning Committee as per the Standing Orders.

6.3 The key issues to therefore consider are the following:

- i. Visual Impacts - whether or not the reposition of the dwellings (accessible bungalows B15 and dwellings B16) results in any new increased or adverse visual impacts;
- ii. Amenity Impacts - whether or not the repositioning of the dwellings (accessible bungalows B15 and dwellings B16) result in any new, increased or adverse neighbouring amenity impacts;
- iii. Highway Safety Impacts - whether or not the introduction of EV charging points and car parking space changes will result in any highway safety issues, and
- iv. Impact on Previous Conditions - whether approval of the new application will contravene any of those conditions actioned on the previous 19/00961/B approval or potentially impact on the previous Section 13 Agreement.
- v. Other Material Considerations - clarification of the drainage, highways, house types, affordable house and public open space (19/00961/B)

i) Visual Impact

6.4 The proposals do not increase the number of dwellings nor make any significant changes to their overall size, scale, design or appearance. The scope of works remains largely unchanged and the repositioning and changes to the dwellings are not expected to result in any new or increased adverse visual impacts beyond that already approved for the wider residential estate as to warrant a concern now. The visual impact of the repositioning of the dwellings is considered acceptable.

ii) Amenity Impact

6.5 Not to dissimilar from the conclusions of the visual impact, there are no proposals to increase the number of dwellings nor any changes to the property types as to create any new or increase issues beyond that already accepted as part of the 2019 application. The re-aligning of the two southwest dwellings will bring their building line closer to the neighbouring sites, however not considered to result in any significant adverse overbearing or amenity impacts as to raise concern or issue in this case. The amenity impact of the re-positioning of the dwellings is considered acceptable.

iii) Highway Safety Impacts

6.6 The proposal includes the relocation of some parking spaces and the reconfiguration of their layout to accommodate the changes being made to the re-angled dwellings and the relocated bungalows. The proposal also includes the introduction of EV charging points which require larger car parking spaces either side. The information submitted with the application indicates that these changes will result in the loss of three car parking spaces for the whole estate (there are no changes being made to the separate garages). The site is located within close proximity to the town centre and to local bus routes, there are also designated cycle parking bays to support alternative means of transport, in this instance it is considered that the reduction by three spaces is not considered to significantly adversely harm the highway safety area of the estate or surrounding highway networks, also minded that DOI Highway Services have indicated no opposition to the proposal.

iv) Impact on Previous Conditions

6.7 Approval and implementation of this application would replace the previous 2019 approval, and so it is important as part of the assessment and determination that approval does not undermine any conditions of the original approval. The 2019 application was approved with a number of conditions including four 'prior to' conditions relating to details for boundary treatments, a tree protection plan, a cycle parking plan and traffic calming measures all of which were satisfied (Conditions 2, 4, 6 and 8). There were also four other conditions added relating to the standard 4 years, revoking of the PDO for fences and walls, one ensuring the tree protection was in place before works start and that car parking must be provided prior to occupation of any dwelling.

6.8 As part of this application the agent has sought to include upfront the 'prior to' details for the boundary treatments, tree protection, cycle parking and traffic calming measures. All these details remain as previous satisfied with the only notable change being the adjusted boundary lines to accommodate the re-positioned dwellings but the selected fencing detail remaining the same. The detail remains acceptable and suitably worded conditions will be added to ensure the works are now carried out in accordance with these details rather than provided prior to.

6.9 Conditions will still be added in respect of the standard 4 years, revocation of the PDO for fences and walls, the need for the tree protection to be in place and car parking to be provided before occupancy to ensure consistency with the 2019 approval.

#### v) Other Material Considerations

6.7 There are to be no significant changes to the foul and public drainage for the estate nor for the house types, access, general road layouts or public open space beyond that already considered acceptable as part of the 2019 application. The respective detail for these elements has been duplicated and submitted again as part of this application and each remains acceptable. It is noted that the Road Safety Audit approved for 2019 doesn't include the reconfigured roadway and parking now proposed in front of the re-angled B16 dwellings, however that 2019 report stated the original road layout having a sharp right angle could have caused kerb hitting by motorists due to its sharp turn, the proposal now would remove this bend and could to some degree help towards alleviating the previous concern. The proposal in respect of highway and drainage layout, house types and estate access remains acceptable.

6.8 The site is majority public sector housing and from the additional 32 dwellings at least 8 would need to be delivered as affordable housing to comply with HP5. The 2019 application was approved subject to a legal agreement seeking 18 affordable units, a calculation that the previous officer concluded on the basis that it was originally intended that the estate of 101 public sector homes would be replaced with 101 public sector homes with 32 additional homes, but the 101 public sector homes have become replaced with only 91 public sector homes and the loss of 10 units was to be replaced by 10 affordable units taking the total to 18 affordable units.

6.9 Following discussions with the agent and DOI Housing it has been agreed that the continuation of 18 affordable units as previously agreed would be acceptable again now, and DOI Housing have requested that as part of the S13 that the house type mix remain the same and that their location be indicated on a suitable plan. The existing estate is already below the required POS, the proposed POS for the additional dwellings takes the form of children's play area and landscaped courtyard central to the development, this Public open space (POS) and affordable housing remains unchanged from that previously approved under 19/00961/B, and there is no reasonable reason to reach any other conclusion on its acceptability.

#### CONCLUSION

7.1 The majority of the works now included within this application duplicate those details approved as part of the 19/00961/B application which was concluded by the previous planning officer to result in a beneficial impact on the environment through the provision of more public open space than previously, 18 affordable housing units, better and safer car parking provision, more thermally efficient housing and a consistent material palette. The proposal was considered to be in accordance with the relevant policies and was supported subject to a legal agreement for the affordable housing and public open space.

7.2 The changes now relate to re-positioning of 16 dwellings to accommodate the relocation of 2 accessible bungalows and includes the re-alignment of two other dwellings and

associated access and car parking adjustments to accommodate new EV charging points and all these works are all now considered to have an acceptable visual, amenity and highway safety impact and not to create any increased or unacceptable harm beyond the works already accepted under 19/00961/B.

7.3 An updated/new S13 agreement is required to address the public open space and affordable units.

#### INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

## PLANNING AUTHORITY AGENDA FOR 5th December 2022

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### Item 5.5

**Proposal :** **Erection of extension over raised patio area to provide roof terrace with storage under, to rear of dwelling**

**Site Address :** **Luss House  
14 Patrick Street  
Peel  
Isle Of Man  
IM5 1BR**

**Applicant :** **Mr & Mrs Jeremy Christian**

**Application No. :** **22/01162/B- [click to view](#)**

**Planning Officer :** **Mrs Vanessa Porter**

**RECOMMENDATION:** **To APPROVE the application**

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### **Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

Reason for approval:

The proposal complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 of the Isle of Man Strategic Plan 2016.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY WHERE THE APPLICATION IS RECOMMENDED FOR AN APPROVAL

#### THE APPLICATION SITE

1.1 The application site is within the curtilage of Luss House, 14 Patrick Street, Peel which is a mid-terraced traditional dwelling, situated to the West of Patrick Street.

#### THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a store room measuring 1.75m by 2.7m to the rear yard, with the installation of a balcony to the roof which is accessed via an external staircase.

## PLANNING HISTORY

3.1 There is one previous application which is relevant to the assessment of this application PA13/00513/B which was for the erection of timber decking in rear yard (retrospective).

## PLANNING POLICY

4.1 The site lies within an area zoned as "Mixed Use" under the Peel Local Plan 1989. The site isn't within a Flood Risk Zone but is within a Conservation Area.

4.2 Given the nature of the of the land designation and the property being within a Conservation Area, Section 18(4) of the Town and Country Planning Act (1999) is the most relevant in the assessment of this application. Followed by paragraph 7.29.2 and Environment Policy 35 of the Isle of Man Strategic Plan, which set out development in Conservation Areas will only be permitted where they preserve or enhance the character and appearance of the area.

## REPRESENTATIONS

5.1 The following representations can be found in full online;

5.2 Highway Services have considered the proposal and have no highways interest (12.10.22)

5.3 Peel Town Commissioners have written in to object to the application on the basis that it will result in overlooking to the neighbouring properties. (03.11.22)

## ASSESSMENT

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

- Section 18(4) test
- character and appearance (GP2, b,c)
- impact upon neighbouring amenity

### 6.2 SECTION 18(4) TEST

6.2.1 Due to the proposed works being in a Conservation Area it is necessary to test the application under section 18(4) of the Town and Country Act (1999), see section 4.2 of this report, on whether the works preserve or enhance the Conservation Area.

6.2.2 Firstly when looking at the site, it is noted that it is situated within an elevated position in the overall streetscene, as such the proposed store room and staircase will not be seen from a public vantage point. Whilst this is the case the proposed balustrade of glass will be able to be seen from a public vantage point.

6.2.3 Overall, having the balustrade in glass and due to its modest scale the terrace will have a limited impact upon the Conservation Area as a whole, as such the works will pass the Section 18(4) test by preserving the Conservation Area.

### 6.3 CHARACTER AND APPEARANCE

6.3.1 When looking at the character and appearance of the proposed works on the surrounding area, the main impact would be making sure that the works preserve or enhance the Conservation Area. The proposal is deemed acceptable in accordance with the policies that seek to preserve the character and appearance of the dwellinghouse and is not considered to have an adverse impact on the character or appearance of the Conservation Area.

### 6.4 IMPACT UPON NEIGHBOURING AMENITY



6.4.1 This is where the most impact from the works is possible, due to its location within the streetscene, not only is the proposed balcony raised up and as such on the first floor level with several properties but the area in Peel that the balcony is situated in is quite built up.

6.4.2 As such the only way to truly understand the possible impact is to assess the situation from the neighbouring properties. A site visit was undertaken from three properties, "Viking House," No. 7-9 Station Road, where the most relevant window which is overlooked would be a bedroom window but you would have to be directly in the corner of the house to view the proposed balcony area. "Wellbrow," No.10-12 Patrick Street, where the most relevant windows are to the internal hallway of the property and No. 16 Patrick Street, where the proposal will overlook the upper half of their rear garden.

6.4.3 Having looked from these sites and initially thinking there would be an overlooking impact from the proposal, whilst there would be some overlooking from the proposed balcony this would not be above and beyond what is currently in place at the moment, due to the built up environment.

6.4.4 It should be noted that a request for a site visit was requested to No. 10 Station Road, but no reply was received, as such it is deemed that from an impact upon neighbouring properties the proposal will comply with General Policy 2.

## CONCLUSION

7.1 The proposed fire exits and removal of the rear walling is acceptable in terms of their form, mass and design which preserves the overall Conservation Area and as such complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 of the Isle of Man Strategic Plan 2016.

## INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status