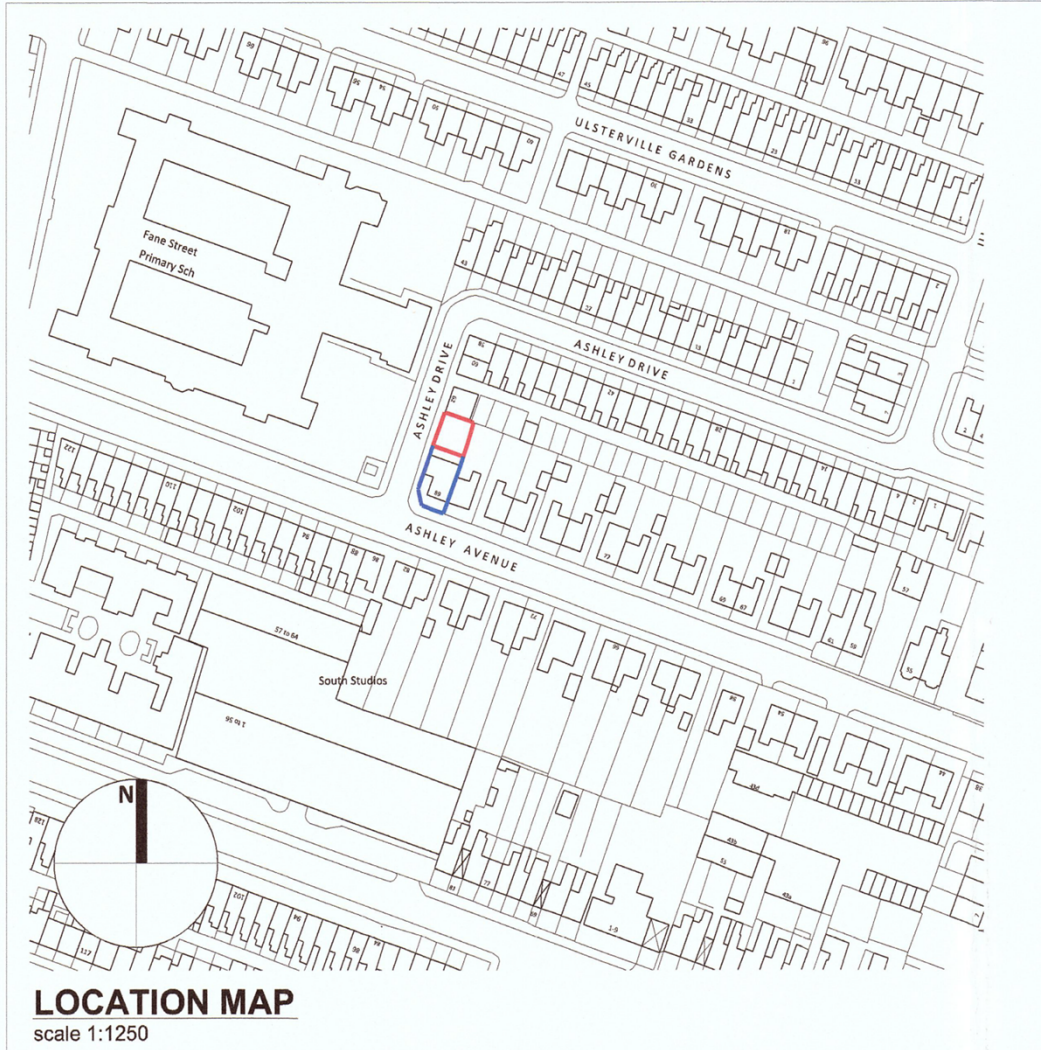


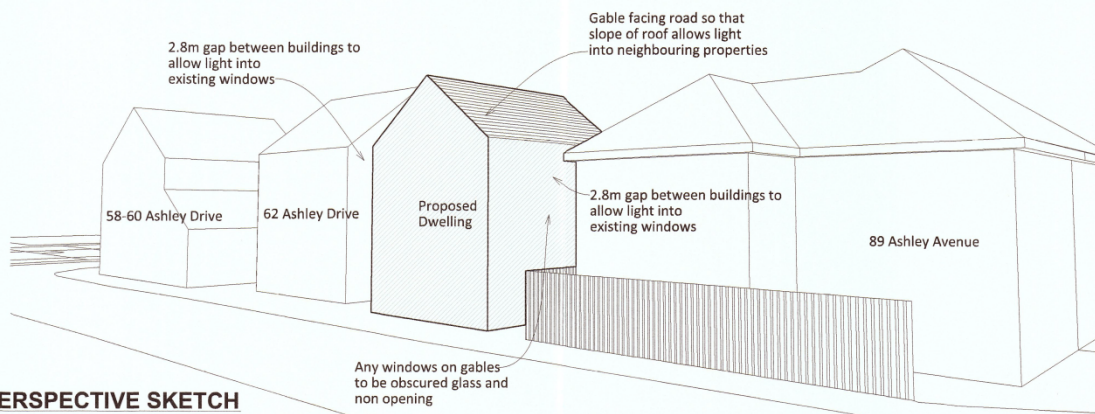
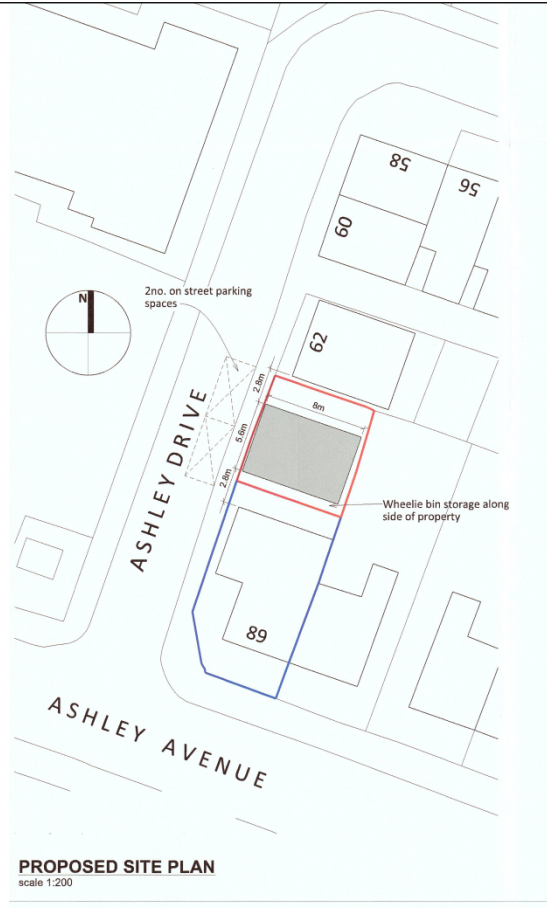
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2015/0585/O	Target Date:
Proposal: Proposed 2 Storey Dwelling	Location: Site to the rear of 89 Ashley Avenue Belfast BT9 7BU
Referral Route: On the request of an elected representative.	
Recommendation:	Refusal
Applicant Name and Address: Robert Montgomery 89 Ashley Avenue Belfast BT9 7BU	Agent Name and Address: Pepper Architects 48 Kinallen Road Dromara Dromore BT25 2NW
<p>Executive Summary:</p> <p>The application seeks outline permission for a detached dwelling in the rear garden of an existing dwelling at the address above.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • the principle of a dwelling at this location; • the potential impact of neighbouring buildings on the proposed building; and, • the potential impact on neighbouring amenity and character of the area including the impact on the Area of Townscape Character in which this site is located. <p>The proposal has been assessed against relevant planning policies including BMAP, SPSS, PPS3, PPS7, PPS12, the Addendum to PPS 6, Creating Places, DCAN 8 No objections/representations have been received.</p> <p>The site is identified as within the Lisburn Road Area of Townscape Character and is within the designated development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) 2015. There are no site specific policies within the plan in relation to ATCs and as such are to be assessed using prevailing regional policy.</p> <p>The proposal is considered unacceptable in terms of potential impact on the amenity of existing residents, future residents and the amenity and character of the area.</p> <p>Environmental Health requires a preliminary contaminated land risk assessment. NIEA Waste Management Unit stated that they are unable to advise on whether the proposal would have any significant adverse impacts on the water environment due to limited environmental information provided. Other than this none of the other consultees have any objections to the application subject to conditions and/or informatives.</p> <p>It is recommended the application is refused for the reasons set out in the case officer report.</p>	

Case Officer Report

Site Location Plan





SITE CONTEXT ANALYSIS

The proposed site is currently an unused space to the rear of no.89 Ashley Avenue and adjacent to no.62 Ashley Drive. It is located in a well established and built up residential area in south Belfast. The surrounding dwellings are mainly two storey semi detached and terraced, with a mixture of rendered and brick finishes. The topography of the site itself is level in nature and all boundaries are enclosed with 1.8m timber fences.

DESIGN CONCEPT STATEMENT

Further to the recent planning application for this site Z/2014/1248, the proposed development for this application is for a single two storey dwelling with the building to approximately match 62 Ashley Drive in size and form. The front of the proposed building is to be situated in line with no. 62 Ashley Drive, and positioned a minimum of 2.8m away from both 62 Ashley Drive and 89 Ashley Avenue to allow light into the existing windows of the neighboring dwellings.

In accordance with QD1 of PPS7 and the guidance document 'Creating Places, private open space in the case of 1 and 2 bedroomed houses on small urban infill sites should range from a minimum of 10m² to around 30m² per dwelling - this development has 31m².

It is proposed that any windows on the gable walls shall have obscure glazing and be non openable, this will allow adequate light to get into the dwelling whilst ensuring that there is no overlooking onto the neighboring properties.

All existing ground levels are to be retained to ensure that the building blends with the existing landform.

The design and materials to be used for the proposal shall be appropriate to its urban setting such as PVC window frames and concrete roof tiles. The gable ends of the dwelling shall be white render to reflect light into the neighboring properties, 62 Ashley Drive and 89 Ashley Avenue.

The recommended minimum space standards for a 2 bedroom, 2 storey dwelling in accordance with PPS7 is 70/75m². This proposal allows for 75-84m².

Access shall be directly onto Ashley Drive with roadside parking provision allowed for 2no. vehicles.

PHOTOGRAPHIC CONTEXT AND PARKING SURVEY

The following map shows the positions from which photos have been taken around the property showing its context and available parking spaces at 8am and 7pm on 14/08/2014 - a working weekday:

MORNING - 8AM

PHOTO 1: 14/08/2014 - 8am Showing 2no. parking spaces in front of 83-89 Ashley Avenue

PHOTO 2: 14/08/2014 - 8am Showing 2no. parking spaces in front of 76-78 Ashley Avenue

PHOTO 3: 14/08/2014 - 8am Showing 2no. parking spaces in front of 80-82 Ashley Avenue

PHOTO 4: 14/08/2014 - 8am Showing available parking spaces in front site on Ashley Drive

PHOTO 5: 14/08/2014 - 8am Showing available parking spaces in front site on Ashley Drive

EVENING - 7PM

PHOTO 6: 14/08/2014 - 7pm Showing available parking spaces on Ashley Ave

PHOTO 7: 14/08/2014 - 7pm Showing available parking spaces in front of 80-82 Ashley Avenue

PHOTO 8: 14/08/2014 - 7pm Showing available parking spaces in front of 83-89 Ashley Avenue

PHOTO 9: 14/08/2014 - 7pm Showing available parking spaces in front site on Ashley Drive

PHOTO 10: 14/08/2014 - 7pm Showing available parking spaces in front site on Ashley Drive

Site Contextual Analysis

Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	Advice
Non Statutory	Env Health Belfast City Council	Add Info Requested
Statutory	NIEA	Error
Statutory	NIEA	Content
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
N/A		
1.0 Characteristics of the Site and Area		

The site is located in the rear garden of 89 Ashley Avenue and adjacent to 62 Ashley Drive. The site is flat and square in shape of approx 70sqm in size. At present it is used as a rear garden and bounded by a 1.6m timber fence along Ashley Drive and along its remaining boundaries.

The immediate vicinity is predominately inner-city residential characterised by semi-detached and terraced properties. Fane Street primary school lies directly opposite the site. This is a listed building.

2.0 Planning Assessment of Policy and Other Material Considerations

2.1 Regional Development Strategy 2035

Belfast Metropolitan Area Plan 2015

Strategic Planning Policy Statement for NI (SPPS)

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 12 – Housing in Settlements

Development Control Advice Note 8 - Housing in Existing Urban Areas

Creating Places.

2.2 Area Plans:

The site is within an Area of Townscape Character (designation BT 039 – Lisburn Road).

2.3 Relevant Planning History on the site:

Z/2011/1717/F – 89 Ashley Avenue - Erection of two storey side and rear extension to dwelling. Approval.

Z/2014/1248/O- Site to the rear of 89 Ashley Avenue. 2 storey building to accommodate 2 no. 1 bedroom flats. Refusal.

Z/2006/0523/F - 60 Ashley Drive. Erection of two storey dwelling. Approval.

Z/1996/0938 - 58-60 ASHLEY DRIVE BELFAST BT9 Conversion of shop and store to dwelling. Approval.

2.4 Neighbour Notification

Local neighbouring properties have been consulted. No objections have been received.

2.5 Consultees:

NIEA, TransportNI and Environmental Health have been consulted.

NIEA HBU has no objections in relation to the impact of the proposal on the list primary school building.

NIEA Waste Management Unit stated that they are unable to advise on whether the proposal would have any significant adverse impacts on the water environment due to limited environmental information provided.

Environmental Health requires a preliminary risk assessment.

3.0 Proposal:

The proposal is for outline planning permission for a two-storey detached dwelling within the rear garden of an existing dwelling. Although in a rear garden it is not typical backland development as it will have a street frontage at Ashley Drive. Regardless of being for outline permission, the proposed finishes have been detailed as 'appropriate to its urban setting such as PVC window frames and concrete roof tiles. The gable ends of the dwelling shall be white render to reflect

light into neighbouring properties, 62 Ashley Drive and 89 Ashley Avenue’.

3.1 Policy Assessment:

PPS 7, Policy QD 1 is relevant. This states that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

3.2 Finishes:

Regardless of being for outline permission, the proposed finishes have been described as within the associated Design and Access Statement as ‘appropriate to its urban setting such as PVC window frames and concrete roof tiles. The gable ends of the dwelling shall be white render to reflect light into neighbouring properties, 62 Ashley Drive and 89 Ashley Avenue’. The use of white render, although a neutral material and colour, in this instance has not been chosen for its aesthetic qualities but more its functional ones. However, the properties within the surrounding area contain a mix of red brick and rendered dwellings and therefore render would not be out-of-place.

3.3 Layout:

The footprint of the proposal will be 35sqm approx set in an overall plot of 70sqm approx. No soft landscaping is proposed.

3.4 Paragraph 7.16 of Creating Places states that in the event where a development abuts the private areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.

3.5 The proposal is set at a distance of approximately 200mm at the rear at its closest point to the common boundary of 87 Ashley Avenue. The separation distance between the proposal and adjacent properties will be 2.8m from the gable side of the adjacent dwelling at 62 Ashley Drive and 2.7m from the rear elevation of 89 Ashley Avenue.

3.6 The result is the potential for poor outlook for occupiers of the proposal and will impact the existing outlook of neighbouring properties at 62 Ashley Drive and 89 Ashley Avenue. Development at such close proximity will also result in overshadowing for both existing and proposed development in addition to overlooking. It is acknowledged that the any side windows are to contain obscured glazing and be non-opening; however this will only add to the poor outlook from the proposal.

3.7 The proposal is therefore contrary to Policy QD1 (a) of PPS 7 in that it will create conflict and have an unacceptable adverse effect on existing and proposed properties.

3.8 Density / Amenity space:

Paragraphs 5.19 - 5.20 of Creating Places refers to private open space provision. This states that on urban infill sites, proposals for 1 or 2 bedroom houses 10 – 30sqm of private amenity space is required. Larger houses would require a minimum of 40- 70sqm (the applicant has referenced internal minimum space standards for 2 bedroom dwellings in their concept statement but has not specified how many bedrooms the proposal is to have other than it is for a two-storey dwelling).

3.9 The proposed dwelling will have an external area of 35sqm approx. leaving approx 35sqm open private amenity space. This is divided into two narrow strips along each side of the dwelling. There will be an uninterrupted view from the side windows of number 62 Ashley Drive onto the only usable private amenity space provided. Paragraph 5.24 of Creating Places states that even the smallest back gardens should seek to offer some privacy from overlooking. No soft landscaping is proposed.

3.10 The proposal will also reduce the rear private amenity space of number 89 Ashley Drive to approx. 16sqm which contains an extended 4 bedroom dwelling. A general characteristic of Ashley Avenue is that dwellings are all on generous plots. The proposal will reduce the plot size at number 89 Ashley Avenue to a degree where it is out of character with its neighbours. The result is overdevelopment, an increase in plot ratio and the introduction of an unwelcome precedent for other corner sites in the vicinity with similar gardens. The proposal fails to conform to Policy QD1 (a) and (h) of PPS 7 in that it fails to respect the surrounding context and will create conflict with existing properties.

3.11 Front garden / defensible space:

A general characteristic of the immediate vicinity is the presence of front gardens; even the terraced rows of Ashley Drive have front gardens. The adjacent infill dwelling at number 62 Ashley Avenue also has this characteristic. Paragraph 5.21 of Creating Places stresses their importance and states that in order to keep passers-by away from the windows of dwellings in inner urban or other high-density locations, private open space at the front of houses or apartments may only need to be a narrow buffer strip or hard landscaping or an area to accommodate climbing shrubs or planting boxes. The proposal fails to provide any private space to the front garden, which is not only out of character with the surrounding area but is indicative of a design that fails to deter crime and promote personal safety. The proposal therefore fails to conform to Criteria (a) and (i) of Policy QD 1 of PPS 7.

3.12 Access and parking:

The proposal will not have any off-street car parking in a bid to maximise private and usable amenity space. TransportNI is content that the proposal will not have any significant detrimental impact on the level of car parking provision in the local vicinity.

3.13 Policy QD 1 of PPS 7 also states that housing proposals in ATCs will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

3.14 Addendum to PPS 6

Policy ATC 2 states that proposals in an ARC will only be permitted where the development maintains or enhances its overall character and respects the built form of the area.

3.15 The Conservation Area Officer has been consulted in respect of location of the site within an ATC.

3.16 The CA officer is concerned that the proposed plot size is overly small and out of character with the larger plot sizes of the immediate context of the interwar houses that, in part, form an aspect of the character of the ATC. The proposal would have a footprint to open space ratio for both plots (existing and proposed) that would be alien in context. Site coverage to this extent would appear to be out-of-character with the ATC.

3.17 PPS12

Planning Control Principle 1 promotes an increase in density of housing development in locations that benefit from high accessibility to public transport facilities. The area where this application site is located benefits from excellent accessibility to public transport facilities within walking distance to City Hospital railway halt and the Lisburn Road arterial route bus links.

3.18 However, PCP 1 stresses that great care needs to be taken in residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

3.19 The justification and amplification of PCP 1 states that to protect the distinctive townscape characteristics of CAs and ATCs, an increase in housing density will not normally be acceptable.

3.20 The proposal fails to comply with PCP 1 of PS12 for the reasons already outlined above in respect to PPS 7 and the Addendum to PPS 6.

3.21 PPS 6

NIEA Historic Buildings Unit provided comments in relation to proximity of the listed primary school directly opposite the application site and has no comments. In terms of design, Policy BH 11 of PPS 6 is relevant. The case officer is content that the principle of a dwelling at this location would have not adversely affect the setting of Fane Street Primary School provided that the detailed design, materials etc are sympathetic.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is contrary to Policy QD 1 of PPS 7 and associated guidance; PCP 1 of PPS 12, and; Policy ATC 2 of the Addendum to PPS 6.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments', and associated guidance and if permitted would result in over development of the site, creating undesirable living conditions for prospective residents due to insufficient amenity space, overshadowing from existing adjacent buildings and poor outlook.

2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments', and associated guidance and if permitted would be harmful to the living conditions to residents of existing adjacent properties due to dominance, overshadowing, overlooking and loss of private amenity space.

3. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments', as it fails to maintain or enhance the distinctive character of the immediate locality of the Lisburn Road Area of Townscape Character in that it would involve intensification of coverage of the site for which there are no exceptional circumstances to justify.

4. The proposal fails to adhere to Planning Control Principle 1 of Planning Policy Statement 12 'Housing in Settlements' in that there are no exceptional circumstances to justify an increase in density within the Lisburn Road Area of Townscape Character.

5. The proposal is contrary to Policy ATC 2 of the Addendum to Planning Policy Statement 6: 'Areas of Townscape Character' in that if permitted would, have an adverse impact on the character of the Lisburn Road Area of Townscape Character in that it fails to maintain or enhance the overall character due to uncharacteristic plot to building ratio and lack of front and rear gardens resulting in a detrimental impact on the spatial quality of the existing plot and ATC generally.

Elected Member Interest. - Yes

ANNEX	
Date Valid	3rd July 2015
Date First Advertised	17th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 56 Ashley Drive, Malone Lower, Belfast, Antrim, BT9 7BE, The Owner/Occupier, 58 Ashley Drive, Malone Lower, Belfast, Antrim, BT9 7BE, The Owner/Occupier, 60 Ashley Drive, Malone Lower, Belfast, Antrim, BT9 7BE, The Owner/Occupier, 87 Ashley Avenue Malone Lower Belfast The Owner/Occupier, 89 Ashley Avenue, Malone Lower, Belfast, Antrim, BT9 7BU, The Owner/Occupier, Fane Street Primary School, Fane Street, Malone Lower, Belfast, Antrim, BT9 7BW, The Owner/Occupier,	
Date of Last Neighbour Notification	16/07/2015
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers 01A	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	