

Committee Application

Development Management Report	
Application ID: LA04/2020/0409/F	Date of Committee: Tuesday 15 December 2020
Proposal: Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)	Location: 210 Malone Road Belfast BT9 5LQ.
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Cllr Sarah Bunting by reason of visual amenity, visual impact and separation distance.	
Recommendation: Approval	
Applicant Name and Address: Mr Sloan 210 Malone Road Belfast BT9 5LQ	Agent Name and Address: Michelle McCarthy 62 Lagmore Glen Belfast BT17 0UZ
<p>Executive Summary</p> <p>The application seeks full planning permission for retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • The design of the proposal. • Impact on the character and appearance of the existing dwelling and surrounding area. • Impact on the amenity. <p>Two third party representations have been received from the same objector. Cllr Sarah Bunting subsequently requested the application be brought to Committee by reason of visual amenity, visual impact and separation distance.</p> <p>The changes to the extension are considered minor, they include a marginal change in footprint with the side element projecting further to the front, approx. 250mm and alterations to window and door openings with the inclusion of additional roof lights, which are considered acceptable.</p> <p>It is acknowledged that the change of levels are significant, however, this is typical along this stretch of the Malone Road where neighbours have tiered the gardens. The incorporation of soft landscaping will help visually integrate the levels changes. The boundaries were reduced to step down gradually to the rear in line with the neighbouring levels/boundaries to ensure they are not visually dominant. The fencing proposed is double sided, helping to reduce the potential for inter visibility, there is unlikely to be a significant impact on neighbouring amenity and on balance the scheme is considered acceptable.</p> <p>Consultees DFI Roads - Content</p>	

Having regard to the policy context and other material considerations above, the proposal is considered acceptable as it will not detract from the character or appearance of the surrounding area or host dwelling and its curtilage. It is considered that it will not have a significant impact in terms of neighbouring residential amenity.

Recommendation:

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions, subject to no new substantive planning issues being raised by consultees and third parties.

Case Officer Report

Site Location Plan:



Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application is seeking full planning permission for retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)

2.0 Description of Site and Area

2.1 The application site is located at 210 Malone Road in South Belfast and consists of a two storey dwelling, finished in rough render with a hipped roof profile.

2.2 The surrounding area is predominately residential along a busy protected route, with semidetached dwellings with in curtilage parking. The site does not fall within any designations.

Planning Assessment of Policy and Other Material Considerations	
3.0 3.1	Site History LA04/2018/2960/F - 210 Malone Road, Belfast, BT9 5LQ., - Proposed 2 storey extension to rear and side of property, raised patio area and boundary wall (Amended - PERMISSION GRANTED
4.0 4.1	Surrounding Area LA04/2019/0916/F - 206 Malone Road Upper Malone Belfast BT9 5LQ. - Retrospective retention of alterations to previously approved two storey side and rear extension. – PERMISSION GRANTED LA04/2015/1562/F - 204 Malone Road Belfast BT9 5LQ - First floor extension to the rear of the dwelling with new window and replacement balcony – PERMISSION GRANTED Z/2005/0540/F - 208 Malone Road, Malone Upper, Belfast, Northern Ireland, BT09 5LQ - Two storey rear extension - PERMISSION GRANTED
5.0 5.1	Policy Framework <ul style="list-style-type: none"> • Regional Development Strategy (RDS) • Belfast Urban Area Plan 2001 • Draft Belfast Metropolitan Area Plan (dBMAP) 2015 – White Land <p>The extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p> <ul style="list-style-type: none"> • Strategic Planning Policy Statement for Northern Ireland • Addendum to PPS7 – Residential Extensions and Alterations
6.0 6.1	Statutory Consultees DFI Roads - Content
7.0 7.1	Non Statutory Consultees None
8.0 8.1	Representations The application has been neighbour notified three times and advertised in the local press. Two representations were received from the immediate neighbour which included a Survey Report, from the attached semi. The objector's concerns are as follows: <ul style="list-style-type: none"> • Loss of light/ overshadowing • Overlooking • Out of character with the existing property • Overdevelopment of the site and encroachment of land/ ownership concerns. • Impact on wildlife e.g. pets • Loss of private view/ value of property • Loss/ restricted access • The objection sets out rules for rear extensions. • Removal of party hedge and fencing • Access issues to conservatory/ inaccessible void created
8.2	Other points were raised by the objector which are not considered to be planning matters and as such cannot form part of the assessment.

8.3	<p>Case Officer Response:</p> <ul style="list-style-type: none"> • The extension will have no more of an impact to the neighbouring properties compared to that approved under LA04/2018/2960/F in terms of overshadowing, loss of light, dominance and overlooking there will be no significant impact. The levels and boundaries to the rear have been changed. The above will be considered in the assessment of this report – part 9. • The proposal will not be out of character with the existing dwelling. The height, width and general size of an extension is smaller than the existing house and considered subordinate. The proposal will not result in over development of the site. The site is sufficiently sized to absorb the development. It is considered to be modest in scale compared to some of the development undertaken in the area. • The objector raised ownership concerns. The applicant remains the same as the original application, LA04/2018/2960/F and the red line remains the same. The agent confirmed in a phone call (28/10/20) that the applicant is in ownership of the land. A rates bill was submitted by the agent showing that the applicant is registered to pay rates on this property. Ultimately this is a civil matter between the relevant parties and it is the applicant's responsibility to ensure he controls all land necessary to carry out the development. Should planning permission be granted, an informative of this nature will be placed on the decision notice. • The proposal will not have an impact on wildlife including the neighbouring pets or nature conservation. • Private view / value of property is not a planning matter. • The rules set out are in relation to permitted development – what can be done without a planning application. A full application has been submitted and as such the proposal will be assessed against relevant planning policy. • The removal of the hedging to the front does not constitute development. The new fencing to the front side measures 1.8m and can be done under PD also. • There is nothing to preclude the applicant from building to the extent of the boundary similar to that of neighbouring properties. The addendum to PPS7 states <i>“Where an extension abuts or runs close to a property boundary, permission to enter neighbouring land will also be required to enable approved works to be carried out or for future maintenance purposes. Consequently, it is advisable to discuss proposals with any neighbours before submitting a planning application. It should be noted that infringement of property rights is primarily a legal matter between the relevant parties.”</i>
<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p>Assessment</p> <p>The key issues in the assessment of this application are:</p> <ul style="list-style-type: none"> • Design of the proposal • Impact on the character and appearance of the existing dwelling and the surrounding area • Impact on the amenity of the area. <p><u>Design, Character and Appearance</u></p> <p>The changes to the extension are considered minor, they include a marginal change in footprint with the side element projecting further to the front, approx. 250mm and alterations to window and door openings and the inclusion of additional roof lights. The proposal is considered to comply with Policy EXT 1 of the addendum to PPS7 as the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing dwelling and the surrounding area. The extension will have no more of an impact compared to that approved under LA04/2018/2960/F, given the minor changes.</p>

9.3	<p>The topography of the site as well as the neighbouring sites has a steady decline to the rear, the first level drop will be approx. 1600mm compared to 1200mm approved under LA04/2018/2960/F. The second and third drop in level will be approx. 1200mm. The difference in ground levels between the neighbouring dwellings will vary given the sloping nature of the sites. At the edge of the drops, the difference in levels is approx. 1200mm – 870mm. The proposal has created flat usable spaces with adjacent boundaries. Whilst Council acknowledge the change of levels are significant, the incorporation of soft landscaping will help visually integrate the changes. The boundaries were reduced to step down gradually to the rear in line with the neighbouring levels/boundaries to ensure they are not visually dominant. The fencing will be double sided, helping to reduce the potential for inter visibility.</p> <p>There is precedent for raised patios/ levels in the area, some do not benefit from planning permission, including the neighbouring properties which include raised decking. The levels of the neighbouring properties (along this section of Malone Road) have significantly changed over time with tiered levels characteristic of the area.</p> <p><u>Impact on Amenity</u></p> <p>The proposal is considered to be in accordance to Policy EXT1 of the addendum to PPS7 in that the proposal will not unduly affect the privacy or amenity of neighbouring residents.</p> <p>The extension will not result in any significant impact to neighbouring properties in terms of overshadowing and/or dominance compared to that previously approved. The proposal includes new boundary walls and fencing. These will not result in a significant level of overshadowing. The objections raise concerns regarding the wall causing overshadowing. However, 212 is located south of the application site. This means that given the path of sun, overshadowing will only occur early morning which would not be sufficient grounds for a refusal. The wall be located below the eaves of the neighbouring rear return and there is hedging and outbuildings providing screening.</p> <p>In terms of overlooking, should planning permission be granted those windows conditioned to be obscured in the previous application will remain. The extension will not result in a significant impact compared to that already approved. Should planning permission be granted, hedging will be conditioned at the locations with low level boundaries. Council acknowledge there may be a degree of overlooking. However, given the topography of the site on balance it is considered acceptable.</p> <p>The proposal will also not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.</p> <p>There is sufficient space remaining within the curtilage of the property for recreational and domestic purposes including bin storage.</p>
10.0 10.1	<p>Summary of Recommendation – Approval</p> <p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by consultees and third parties.</p>
11.0 11.1	<p>Conditions</p> <p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>

11.2	<p>2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p>
11.3	<p>3. The boundary fencing to the rear shall be constructed with double sided fencing and shall be no higher than 2.25m above the neighbouring ground levels.</p> <p>Reason: In the interests of residential amenity.</p>
11.4	<p>4. All soft landscaping works shall be carried out in accordance with the approved details within 6 months of the date of this permission.</p> <p>Reason: In the interests of amenity.</p>
11.5	<p>5. Screening hedges shall be planted in those areas with low level fencing shown with red dotting in drawing No 07A date published XX</p> <p>Reason: In the interests of residential amenity.</p>
11.6	<p>6. The proposed side elevation window circled in red shall be finished in obscure glazing as shown on Drawing No. 05, date published XX. These windows shall be permanently retained as such and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Planning Authority.</p> <p>Reason: To safeguard the residential amenity of neighbouring properties.</p> <p>Informative:</p>
11.7	<p>1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p>

ANNEX	
Valid	13.02.2020
Date First Advertised	13.03.2020
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
<p>11/03/20 19/09/20 17/11/20</p> <p>208 Malone Road, Belfast, Antrim, BT9 5LQ 212 Malone Road, Belfast, Antrim, BT9 5LQ 2 Malone Hill Park, Belfast, Antrim, BT9 6RD 47 Malone Meadows, Belfast, Antrim, BT9 5BG</p>	
Date of Last Neighbour Notification	17/11/20
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
<p>01A Site Location Plan and Site Plans 02A Side Elevations with Levels 03 Existing Plans and Elevations 05 Proposed Sketch Plans and Elevations 06A Site Plan, Levels and Images of Site 07A Site Plan, Side Elevation and Landscaping</p>	
Notification to Department (if relevant) – N/A	
<p>Date of Notification to Department: n/a Response of Department: n/a</p>	
Elected Representatives: Councillor Sarah Bunting – DUP	