

## Development Management Officer Report Committee Application

### Summary

**Application ID:** LA04/2021/0024/F      **Date of Committee:** Tuesday 20<sup>th</sup> April 2021

**Proposal:**  
Retrospective single storey extension to front of existing single storey garage

**Location:**  
10 Broomhill Park  
Belfast  
BT9 5JB

**Referral Route:** Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation

**Recommendation: Approval**

**Applicant Name and Address:**

John McIlhone  
10 Broomhill Park  
Belfast  
BT9 5JB

**Agent Name and Address:**

David Maxwell Architects  
12 Ballyblaugh Road  
Newry  
BT34 1RR

**Executive Summary:**

The application seeks full planning permission for a retrospective single storey extension to the front of an existing single storey garage.

The key issues to be considered in this case are:

- Scale, Massing & Design
- Impact on the Surrounding Character
- Impact on the Conservation Area
- Impact on Amenity

Five representations and a signed petition have been received in relation to the application, raising issues including: inaccuracies in PHD form, contrary to policy and legislation, retrospective nature of the application and issues surrounding the building lines. Objections have been considered in the case officer report.

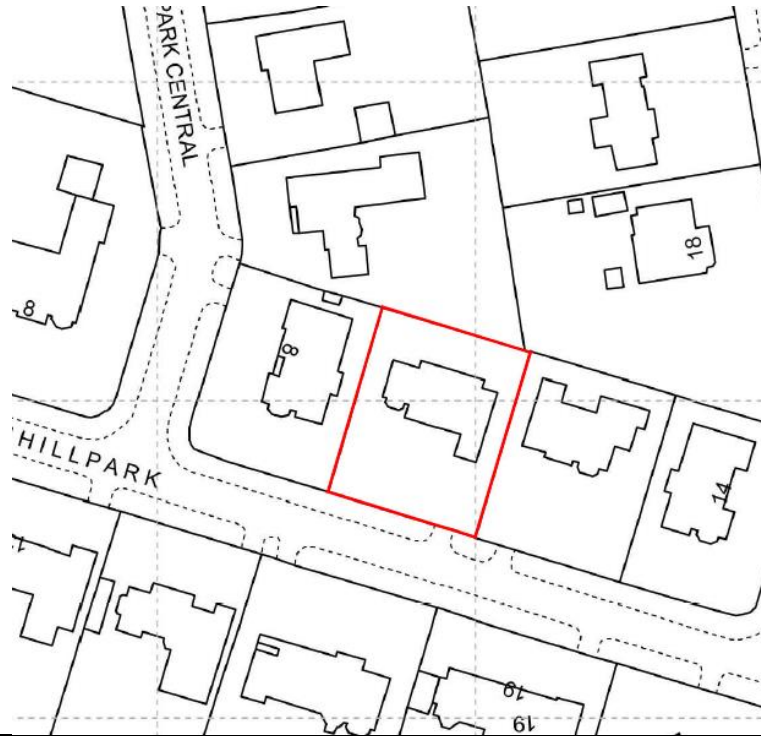
Belfast City Council Conservation and Heritage Team offered no objection to the proposal.

**Recommendation- Retrospective Approval**

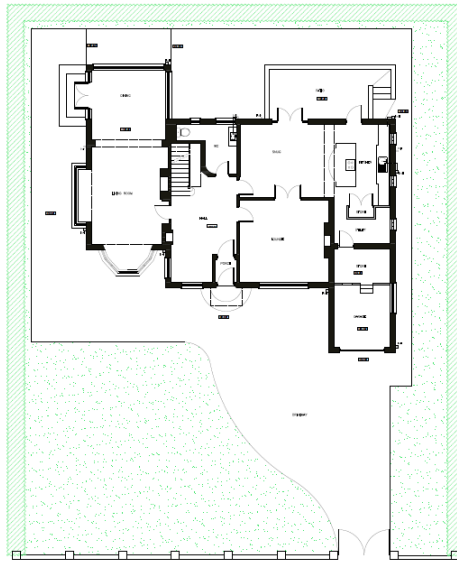
On balance, taking into account relevant planning policy legislation, representations received and other material considerations, it is considered, the proposal would integrate well with the existing dwelling and would not detract or harm the character and appearance of the surrounding area in accordance with Policy EXT1 of PPS7 (Addendum): Residential Extensions and Alterations, PPS6 and the SPPS. It is considered that the proposal would preserve the character and appearance of the Malone Conservation Area and is in line with 'A Design Guide for the Malone Conservation Area.

# Case Officer Report

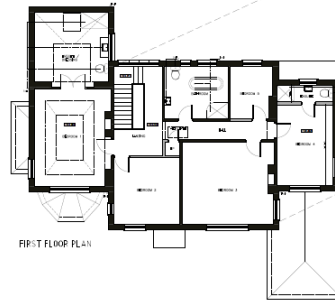
## Site Location Plan:



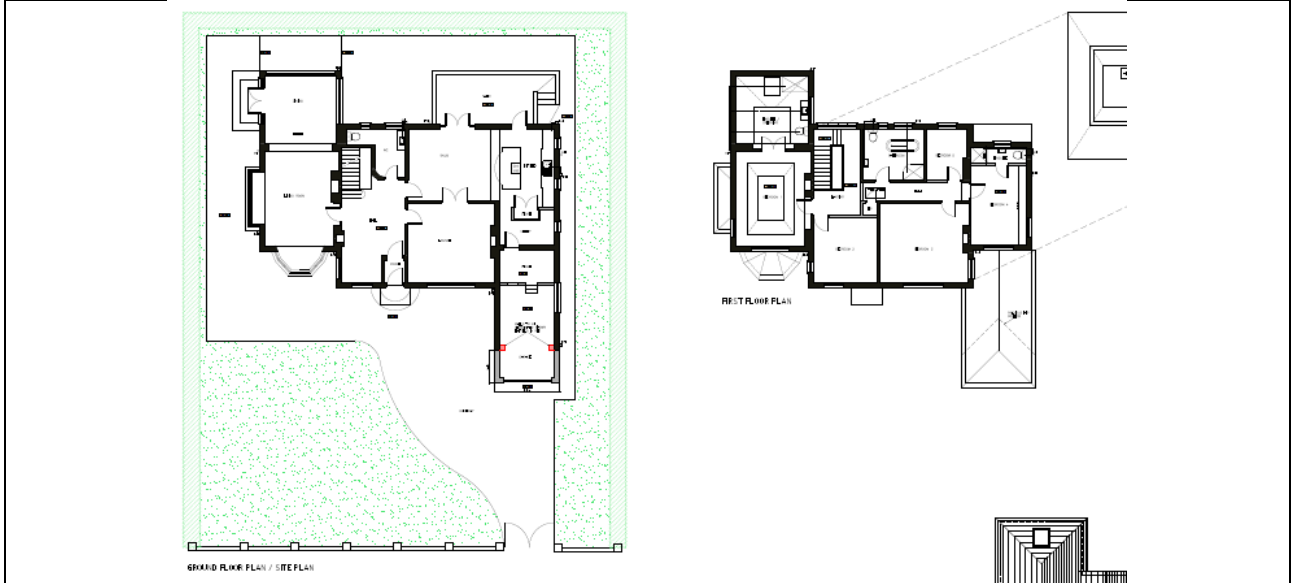
## Existing floor plans:



GROUND FLOOR PLAN / SITE PLAN



**Proposed floor plans:**



**Characteristics of the Site and Area**

<b>1.0</b>	<p><b>Description of Proposed Development</b>          Planning Permission is sought for a retrospective single storey extension to the front of an existing single storey garage.</p>
<b>2.0</b>	<p><b>Description of Site</b>          The site is located at 10 Broomhill Park. The dwelling is a 2.5 storey detached property. It is finished on the ground floor in red brick with the door and window openings having blocked stone surroundings whilst the first floor front façade has a roughcast render with half timbering detail. An attached single storey garage is located to the front of the dwelling. An area of amenity space and driveway are located to the front of the dwelling and the roadside south-western boundary is defined by a low wall and railings. The other boundaries are defined by mature vegetation and there is a narrow private amenity area to the rear of the dwelling.</p> <p>The site falls within the Malone Conservation Area, Sub Area L: Broomhill.</p>

**Planning Assessment of Policy and other Material Considerations**

<b>3.0</b>	<p><b>Site History</b>          LA04/2017/0623/F          10 Broomhill Park          Single storey rear extension, rear dormer and first floor extension to rear. First floor front extension. (amended description)          PERMISSION REFUSED</p> <p>LA04/2017/0628/DCA          10 Broomhill Park          Partial demolition to facilitate single storey rear extension, first floor rear extension rear dormer and first storey front extension          PERMISSION REFUSED</p> <p>Z/2000/0559/F          10 Broomhill Park          Erection of a two-storey extension to rear of dwelling.</p>
------------	--

	PERMISSION GRANTED
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015  Following the recent Court of Appeal decision on BMAP, the extant development plan is now 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.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	PPS7(Addendum): Residential Extensions and Alterations Policy EXT1
4.5	PPS6: Planning, Archaeology and the Built Heritage Policy BH8, BH10 & BH12
4.6	Malone Conservation Area Design Guide
<b>5.0</b>	<b>Statutory Consultees Responses</b> None
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> Belfast City Council Conservation & Heritage Team: No objections
<b>7.0</b>	<b>Representations</b>
7.1	The application was neighbour notified on 21 <sup>st</sup> January 2021 and again with the amended description on 4 <sup>th</sup> March 2021. The application was advertised in the local press on the 15 <sup>th</sup> January 2021 and again on 12 <sup>th</sup> March 2021. Five objections have been received with regards to the issues presented below:
7.2	<b>Errors and inaccuracies on the PHD application form</b> <i>Case Officer's Response:</i> The application has since been re-advertised and neighbours have been re-notified with the description illustrating the retrospective nature of the application. The application form was also updated and uploaded to the planning portal to include the neighbour at No.12 Broomhill Park in Section E of the PHD application form.
7.3	<b>Proposal contrary to The Planning Act (NI) 2011 to the SPPS and PPS6</b> <i>Case Officer's Response:</i> This has been considered within the assessment of the report (Section 9)
7.4	<b>Proposal contrary to Addendum to PPS7: Residential Extensions and Alterations</b> <i>Case Officer's response:</i> This has been considered within the main body of the report at section 9.

7.5	<b>Proposal breaches ‘building line’ along Broomhill Park:</b> <i>Case Officer’s Response:</i> The proposal has been assessed by the Belfast City Council Conservation and Heritage Officer. This has been considered within the main body of the report at section 9.
7.6	<b>Contrary to ‘A Design Guide for the Malone Conservation Area:</b> <i>Case Officer’s Response:</i> The proposal has been assessed against ‘A Design Guide for the Malone Conservation Area’ as detailed in the main body of the report at section 9.
7.7	<b>Retrospective Application Received:</b> <i>Case Officer’s Response:</i> Although the application is retrospective, the relevant procedures have been followed and the application has been assessed with a recommendation to approve. This is also considered in the main body of the report at Section 9.
<b>8.0</b>	<b>Other Material Considerations</b> None
8.1	<b>Any other supplementary guidance</b> None
<b>90</b>	<b>Assessment</b>
9.1	The key issues to be considered in this case are: <ul style="list-style-type: none"> <li>- Scale, Massing &amp; Design</li> <li>- Impact on the Surrounding Character</li> <li>- Impact on the Conservation Area</li> <li>- Impact on Amenity</li> </ul>
9.2	The objections received will be considered throughout this section of the report.
9.3	<u>Scale Massing and Design</u> The proposal is for a retrospective single storey extension to the front of an existing single storey garage. The front extension to the existing single storey garage has extended the garage by 1.8m and it is considered the scale of the proposal is in keeping with the existing dwelling on site and with surrounding neighbouring properties. On balance, the proposal will not adversely impact the character and appearance of the surrounding area, as it is considered to be sympathetic with the built form and appearance of the existing property. Overall it is considered acceptable due to the single storey front extension continuing to be sub-ordinate in height, scale, and mass to the existing property.
9.4	The design and finish of the proposal is considered to be compliant with the addendum to PPS7. . The external finishes of the extension to the front of the existing garage are to match the existing property. The new façade and extended walls have been appropriately finished using the same style and finishes as the existing walls. Natural slates to match existing and naturel red clay brickwork and white wet dash render to match existing.
9.5	<u>Impact on the Surrounding Character</u> The proposal is considered to be compliant with Policy EXT1 of the Addendum to PPS7 in that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. Overall the scheme is considered acceptable due to the extension being sub-ordinate in height, scale, and mass to the existing property.

	<p><u>Impact on Conservation Area</u> <i>Planning History</i></p> <p>9.6 There is significant history with the site at 10 Broomhill Park. In 2017 the Council refused planning permission for a 'Single storey rear extension, rear dormer and first floor extension to rear. First floor front extension' under planning reference LA04/2017/0623/F and Partial demolition to facilitate single storey rear extension, first floor rear extension rear dormer and first storey front extension under planning reference LA04/2017/0628/DCA. The application was later dismissed at the relevant appeal (2017/A0198 and 2017/A0199). The section of the appeal which is relevant to this application is the position taken with regards to the first floor front extension. It was deemed that the first floor front extension was contrary to paragraphs 5.3.32 and 5.2.47 of A Design Guide for the Malone Conservation Area. The appeal goes on to state that the first floor front extension would adversely affect the visual and physical primacy of the original single storey attached garage and in turn would result in harm to the conservation area. It was also considered that the introduction of a first floor extension to the front elevation would harm the 3 dimensional shape.</p> <p>9.7 In the objections received reference is made to the above appeals in that it stated how the extended garage compromised the three-dimensional built form of the dwelling and resulted in an overly prominent garage that is visually domain from the pain public view. It is considered that this information has been used in the incorrect context, as the appeal dealt specifically with a first floor extension above the garage and not an extension to the front of the existing garage which is the current retrospective application. Each application must be assessed on its own individual merit. Further to this, the appeal also highlighted that historical and social interest in 5.3.26 of the Malone Conservation Guide highlights that the garage element of the residential building is an important structure within this Conservation Area. In terms of the original single storey attached garages at an Inter-War Residence, paragraph 5.2.47 states that it would not be appropriate to add another storey but does not state that extending the existing ground floor garage to the front would be inappropriate. Therefore, it is important that the extension is assessed against the key legislative test which is whether the proposal preserves the character or appearance of the Conservation Area.</p> <p>9.8 <i>Contrary to the Planning Act (NI) 2011, the SPPS and PPS6</i> Objections received state that the proposal is contrary to the Planning Act, the SPPS and PPS6. It is considered the text quoted from the SPPS 6.18 in the objections overlook the preceding sentence of the same paragraph, which clarifies that the general presumption against, and exceptional circumstances for its relaxation, should apply where a proposal conflicts with the guiding principle to enhance or preserve the character and appearance of the CA. When assessing whether this is the case for demolition works, PPS6 requires the council to take account of the part played by the building in the interest of the area, the wider effects of demolition on the building's surroundings and the conservation area, and the merits of alternative/redevelopment proposals for the site. The demolition works carried out in this instance were minor, partial demolition, and involved the removal of single garage façade. This enabled a minor extension to the garage, through an additional forward projection of 1.8m, with style, materials and finished all matching those of the existing.</p> <p>9.9 When viewed from the street scene it is considered that the original dwelling remains visually prominent, and its contribution to the character and appearance of the conservation area has not been prevented, reduced or diluted by the demolition of the garage façade or the minor extension. In terms of three dimensional built form, the increase of 1.8m itself is considered negligible when viewed from the public realm and</p>
--	--

	<p>within the context of the site itself and the surrounding wider conservation area. Furthermore the character and appearance of the garage itself suitably reflects that of the original through the use of matching finish and materials, and thus any contribution it made by way of being integral to the main dwelling has also been preserved.</p>
9.10	<p>The proposal has been assessed accordingly against the Design Guide for the Malone Conservation Area which is states in paragraph 7.12 of PPS6 that “The Department (or planning authority) will therefore attach great weight to the need for proposals for new development to accord with the specific guidance drawn up for each particular conservation area.”</p>
9.11	<p>It is considered that the positive contribution played by the dwelling has been suitably maintained, there is no evidence of demonstrable harm or adverse impact arising as a direct consequence of the demolition works, or that they have reduced or prejudiced the ability of the garage to continue playing a part in the overall contribution made by the dwelling. It follows therefore that in the absence of harm, it is considered that the character and appearance of the conservation area has been preserved. The general presumption against demolition would not apply in this instance, nor would exceptional circumstances be required to justify the works that have been carried out. For these reasons, the front garage extension is considered acceptable, and the demolition works were not considered to be contrary to the Planning (NI) Act 2011, SPPS or PPS6.</p>
	<p><i>Retrospective Application Received</i></p>
9.12	<p>With reference to the objectors concerns that the application is retrospective, alterations to existing, three-dimensional built form are not prohibited under conservation policy, nor do they automatically equate to adverse harm. All proposals for new development must be assessed on their individual merits and within their specific context, and SPPS 6.19, PPS6 and the Malone CA Design Guide give clear direction that proposals can be accommodated providing they are sympathetic to the characteristic built form of the area, and they respect the characteristics of adjoining buildings by the way of its scale, form materials and detailing.</p>
9.13	<p>The garage projects 1.8m further forward, otherwise its general scale and built form have not changed; it remains single storey with the same width, shoulder height, ridge height and matching hipped roof profile; and is still subordinate to the main dwelling. Given its similarities to what existed previously, and the minor increase in size; it is considered that the scale, form, materials and detailing of the garage as constructed remain sympathetic to the characteristic built form, and respectful to the characteristics of the existing dwelling, adjoining buildings, and the wider area in general. It therefore is considered the works comply with SPPS, PPS6, and the Malone - CA design guide in respect of three dimensional built form.</p>
9.14	<p>When assessing the impact of the extension, and comparing the level of this impact above and beyond what existed previously on site, it is considered that the works do not conflict with SPPS, PPS6, or the Malone CA Design Guide in terms of three dimensional built form, scale, materials, detailing and protection of established building lines. It is considered that by simply extending the existing garage by 1.8m has not automatically resulted in demonstrable harm or ‘adverse impact’ as noted in the objection, or that it has tipped the balance from what was considered an acceptable and ‘characteristic’ built form, to one that is consequently harmful and uncharacteristic. It follows therefore that the second test of demolition under PPS6 Policy BH14 has also been met.</p>

9.15	<p><i>Proposal breaches 'building line' along Broomhill Park</i></p> <p>In response to objections stating that the proposal breaches the building line along Broomhill Park, the importance of protecting building lines is highlighted within the Malone CA Design Guide, which clarifies that building lines are predominantly defined by front façades (rather than garages or other outbuildings, the majority of which are normally located to the rear of dwellings within the conservation area). In particular paragraph 5.3.10 states: '<i>existing buildings normally have a common relationship with the public realm in terms of distance back from their front boundaries. The building line is generally determined by reference to the main façades of buildings which by following a consistent line, establish continuity of street frontage and an avoidance of disruptive setbacks. A building line is not determined by reference to the front face of projecting bays</i>'.</p>
9.16	<p>Crucial to this assessment is the fact that the garage already existed to the front of No.10 and No.12, and therefore breached the building line formed by their main facades. Whilst this is certainly an anomaly compared to standard plot layouts in the conservation area, it was evidently a design feature and characteristic which at the time was accepted and not considered harmful in its context. Extending the garage in situ has not changed the common relationship of the existing façades with the public realm; the building line and distance back from front boundaries remain consistent, no set back has been introduced, nor has there been any disruption or dilution of the contribution made by the existing buildings, which remain visually prominent. It is considered that the building line of these two properties remains unharmed.</p>
9.17	<p>Turning to the two properties at the end of each row, No.8 and No.14, it is acknowledged that the garage now projects slightly beyond their building line. It is noted that this line is not formed by their front facades, neither of which front south onto Broomhill Park as per Nos.10 and 12, but nonetheless it is accepted that by turning the corner they do provide a frontage onto the road from which a building line can be measured. When viewed from within the wider street scene however, this line is not as visually evident as on plan form; as a result of the notable plot widths, layouts and boundary screening, they do not present a visually continuous, consistent building line such as that of Nos.10 and 12; i.e. two adjacent properties of visually similar scale, form, frontage and distance from the public realm. Furthermore the garage is located a notable distance from the gable ends of both No.8 and No.14, and when combined with its single storey aspect and the boundary screening along and between each property, it is considered that a breach of this line is neither readily noticeable nor harmful. As such, it is considered there has not been any conflict with the Malone CA Design Guide, in that all existing building lines remain suitably intact and visually unaffected by the minor extension of the garage.</p>
9.18	<p><i>Contrary to 'A Design Guide for the Malone Conservation Area</i></p> <p>In response to objection stating that the proposal is contrary to the Design Guide for Malone CA. The proposal has been assessed against 'A Design Guide for the Malone Conservation Area'. The proposal has also been assessed by the Belfast City Council Conservation and Heritage Officer. With particular reference to the Malone CA design guide, paragraphs 5.2.32 and 5.2.44–5.2.47 give clear direction for new extensions to be constructed to rear walls, and for replacement/new garages to be located to the rear of the site/behind the rear building line. This however was neither the creation of a new extension, nor the introduction of a new/replacement garage within the site; this was a minor alteration/extension to an existing garage which was already positioned in front of the main façade of the dwelling. As such one cannot reasonably assess its extension in the same way as a new/replacement garage, nor is it appropriate to isolate specific wording from policy which otherwise refers to the principle of erecting an entirely new structure. Importantly however, as can be seen in the comparative</p>



	<p>photographs (provided in the objection from Gravis Planning) the enlargement of the garage by 1.8m has not had a detrimental impact on the main façade of the parent dwelling, the visual gaps between the properties, the visual appreciation of the plot depth, or gable articulation. The contribution of the original dwelling remains as before, and respectively there is no evidence to support the claim that enlarging the garage by 1.8m has directly resulted in demonstrable harm or adverse impact on the character or appearance of the conservation area. It is considered that there is no conflict with these provisions of the Malone CA design guide.</p>
9.18	<p><u>Impact on amenity</u></p> <p>The proposed extension is considered to be in accordance with Policy EXT1 of the addendum to PPS7 in that the proposal will not unduly affect the privacy or amenity of neighbouring residents. As per paragraph A37 of the Addendum to PPS7 an angles test has been carried out. It is considered that the proposal will not raise any issues in relation to overshadowing and loss of light, as the extension meets the 60 degree angles test and no overshadowing will occur to the neighbouring properties. There is also sufficient space remaining within the curtilage of the property for recreational and domestic purposes including parking and the manoeuvring of vehicles.</p>
9.19	<p>In summary, it is considered that both the demolition and redevelopment works carried out were acceptable under SPPS, PPS6, the Malone CA design guide, and were in line with the provisions of the Planning (NI) Act 2011. There has been no demonstrable harm or adverse impact as a direct result, and the character and appearance of the conservation area has been suitably preserved.</p>
9.20	<p><u>Conclusion</u></p> <p>On balance, taking into account relevant planning policy legislation, representations received and other material considerations, it is considered that the proposal would integrate well with the existing dwelling and would not detract or harm the character and appearance of the surrounding area in accordance with Policy EXT1 of PPS7 (Addendum): Residential Extensions and Alterations, PPS6, the Design Guide and the SPPS. It is considered that the proposal would preserve the character and appearance of the Malone Conservation Area.</p>
9.21	<p>Having regard for the policy context and the considerations above, the proposal is deemed acceptable.</p>
<b>10.0</b>	<b>Summary of Recommendation: Approval Subject to Conditions</b>
<b>11.0</b>	<p><u>Conditions</u></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> <p><u>Informatives</u></p> <p>1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 07/01/2021 Drawing Nos 01 and 02.</p>

**Notification to Department (if relevant) N/A**

**Representations from Elected members:**

Request for application to be brought before Planning Committee made by Cllr Tracy Kelly.

**ANNEX**

<b>Valid</b>	22.12.2020
<b>Date First Advertised</b>	15.01.2021
<b>Date Last Advertised</b>	26.03.2021

**Details of Neighbour Notification (all addresses)**

21.01.2021

6 Broomhill Park Central,Belfast,Antrim,BT9 5JD

8 Broomhill Park Central,Belfast,Antrim,BT9 5JD

12 Broomhill Park,Belfast,Antrim,BT9 5JB

14 Broomhill Park,Belfast,Antrim,BT9 5JB

15 Broomhill Park,Belfast,Antrim,BT9 5JB

16-18 ,Broomhill Park,Belfast,Antrim,BT9 5JB

17 Broomhill Park,Belfast,Antrim,BT9 5JB

19 Broomhill Park,Belfast,Antrim,BT9 5JB

21 Broomhill Park,Belfast,Antrim,BT9 5JB

<b>Date of Last Neighbour Notification</b>	04.03.2021
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

**Drawing Numbers and Title**

01 Site location & site plan, existing plans and elevations

02 Proposed site plan, proposed plans and elevations

**Notification to Department (if relevant) – N/A**

**Elected Representatives:** Councillor Tracy Kelly