

## Development Management Officer Report Committee Application

Summary	
<b>Application Ref:</b> LA04/2024/0044/F	<b>Committee Meeting Date:</b> 27th June 2024
<b>Proposal:</b> Change of use from HMO to single dwelling and proposed rear dormer (amended description).	<b>Location:</b> 17 Lower Courtyard Belfast BT7 3LH
<b>Referral Route:</b> Request to be presented to Planning Committee by Elected Member (Cllr Donal Lyons)	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Suzanne McFarlane 17 Lower Courtyard Belfast BT7 3LH	<b>Agent Name and Address:</b> Mervyn McNeill 30 Knowehead Road Broughshane Ballymena BT43 7LF
<p><b>Executive Summary:</b> This proposal is for change of use from HMO to single dwelling and a rear dormer at 17 Lower Courtyard in South Belfast, off the Annadale Embankment.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of change of use back to single dwelling</li> <li>• Scale, Massing and Design of rear dormer</li> <li>• Impact on neighbouring amenity</li> </ul> <p>The application was neighbour notified and advertised in the local press. 11 No. objections and 1 letter of support have been received and are detailed in the main body of the report.</p> <p><b>Recommendation:</b> Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions, for a temporary five-year period.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>	

## Officer Report


### 1.0 Drawings

#### 1.1 Site Location



#### Existing Elevations



	<p><b>Proposed Elevations</b></p> 
2.0	<b>Characteristics of the Site and Area</b>
2.1	<p>The site is located in Lower Courtyard, off the Annadale Embankment. The property is a registered HMO through a Certificate of Lawful Development, LA04/2019/2835/LDE, which provided evidence of 5 years of continuous use as an HMO. The site sits within a row of 6 town houses with balconies to the front elevation, finished in white render and red brick. The rear of the site backs onto the rear of townhouses in College Drive. The surrounding area is residential, comprising of modern townhouses.</p>
3.0	<b>Description of Proposal</b>
3.1	<p>Planning permission is sought for change of use from HMO (Sui Generis) back to the properties original use- a single dwelling (C1) and a proposed rear dormer. The proposed dormer will accommodate a bedroom and ensuite in the roofspace.</p>
4.0	<b>Planning Policy and Other Material Considerations</b>
4.1	<p><b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p><b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p><b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p><b>Other Policies</b> Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)</p>

4.5	<b>Relevant Planning History</b> N/A
<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<b>Statutory Consultations</b> N/A
5.2	<b>Non-Statutory Consultations</b> N/A
5.3	<p><b>Representations</b></p> <p>The application has been advertised and neighbours notified. 11 objections and 1 letter of support were received.</p> <p>The objections are categorised as followed:</p> <ol style="list-style-type: none"> <li>1. The proposal is overbearing (affecting c80% of the roof area) and clearly fails the majority of these and other provisions contained within the legislation</li> <li>2. Loss of privacy</li> <li>3. The dormer is open to view from neighbouring properties, a parking area to the west and public footpath to the east of the row of houses.</li> <li>4. Uniform building line, completely different type of roof, which would detract from the character of the area.</li> <li>5. Noise</li> </ol> <p>Issues 1-5 are considered in the main body of the report.</p> <ol style="list-style-type: none"> <li>6. Proposed Juliette balcony would have a strong potential to cause overlooking problems.</li> </ol> <p>The Juliette balcony has been removed from the scheme.</p>
<b>5.4</b>	One letter of general support for the proposal as a whole has also been received.
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
6.1	<p><b>Development Plan Context</b></p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published. For this reason, the assessment of this application still considers that the property is in an HMO Node, as designated under the HMO Subject Plan (2015) and will remain so until the LPP is adopted.</p>
6.2	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.

6.3	<p><b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
6.4	<p><b>Assessment</b> The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Change of use from HMO to single dwelling</li> <li>• Scale, Massing, Design</li> <li>• Impact on neighbouring amenity</li> </ul>
6.5	<p><b>Change of use to single dwelling</b> The property was established as an HMO by a Certificate of Lawful Use application (LA04/2019/2835/LDE). However, the property has not operated as an HMO for several years. The proposal represents a return from a HMO to a single family dwelling. Given the use is less intensive, and remains residential, the proposed change is considered acceptable in principle subject to the rest of the policy considerations below.</p>
6.6	<p><b>Scale, Massing &amp; Design</b> Policy RD2 of the Belfast LDP 2035 states that planning permission will be granted where the scale, massing, design and external materials of the proposal are appropriate to the built form and appearance of the existing property and will not detract from the character of an established residential area.</p> <p>The use of loft space can be used to provide additional living accommodation. It should be noted however that alterations or extensions to the roof profile of any building can be particularly sensitive as roofs make an important contribution to a buildings appearance and the overall character of the area. SPG. 2023 Residential Extensions and Alterations states that choosing a dormer roof type that mirrors the existing roof is a good way to ensure that the dormer appears in keeping with the original house.</p> <p>The proposed dormer is stepped down from the ridge of the dwelling by approximately 0.6 metres, stepped in from the eaves by approximately 0.5 metres and approximately 0.1 metres from the sides of the roof. The dormer would therefore be close to permitted development if the property was not an HMO.</p> <p>Paragraph 4.1.24 of the SPG states that where dormer windows or roof lights are open to public view, these can interfere with both the original design of the existing dwelling and cause a visual intrusion into the street scene. Careful consideration must therefore be given to the size, design and positioning of dormer windows and roof lights to ensure that they are sympathetic to the existing dwelling and its neighbouring properties. Whilst the dormer is wholly to the rear with no public views from the street, it is designed well in that the second-floor windows are aligned with the first-floor windows, creating a symmetrical design to the rear elevation. The dormer is finished in grey zinc roof panelling and PVC which is considered to match the design and materials of the existing roof.</p> <p>The dormer complies with policy RD2 in that the scale, massing design and external materials are suitable and the proposal does not represent an unacceptable impact to the character of the area.</p>

6.7	<p><b>Impact on Amenity</b></p> <p>A level of overlooking is common in urban areas such as this, however, the protection of privacy of neighbouring dwellings is an important element of the quality of a residential environment. Balconies, roof terraces, decking and dormer windows all have the potential to cause overlooking problems, due to their position and orientation, particularly from upper windows. Paragraph 4.3.11 of the SPG states that in the case of dormer windows, restricting the size of the window and setting it back from the eaves is usually an adequate solution that can protect neighbouring privacy.</p> <p>It is considered that the dormer is acceptable in that the size of windows has been kept to a minimum and they are stepped back from the eaves. It is therefore considered that the dormer will not exacerbate overlooking beyond what exists from first floor windows. The Juliette balcony was removed from the scheme in order to mitigate perceived overlooking.</p>
8.0	<p><b>Recommendation</b></p>
8.1	<p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p>
8.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.</p>
<p><b>DRAFT CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> </ol> <p><b>DRAFT INFORMATIVES:</b></p> <ol style="list-style-type: none"> <li>Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at <a href="mailto:planning@belfastcity.gov.uk">planning@belfastcity.gov.uk</a>.</li> <li>This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.</li> <li>The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.</li> </ol>	

<b>ANNEX</b>	
<b>Date Valid</b>	08/01/2024
<b>Date First Advertised</b>	19/01/2024
<b>Date Last Advertised</b>	19/01/2024
<b>Details of Neighbour Notification (all addresses)</b>	
10 College Drive 11 Lower Courtyard 12 College Drive 14 College Drive 15 Lower Courtyard 16 College Drive 18 College Drive 19 Lower Courtyard 21 Lower Coutyard 23 Lower Courtyard 15 Lower Courtyard 18 College Drive 12 College Drive 15 Lower Courtyard	