

## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Cealan O'Neill	
<b>Application ID:</b> LA04/2023/4194/F	
<b>Proposal:</b> 2 storey side and rear extension with single storey flat roof extension to rear + additional site works.	<b>Location:</b> 2 Lead Hill Park, Belfast, BT6 9RW
<b>Applicant Name and Address:</b> Darryl and Heather Stacey 2 Lead Hill Park Belfast BT6 9RW	<b>Agent Name and Address:</b> Richard Burnside 41 Dromona Road Cullybackey BT42 1NT
<b>Date of last Neighbour Notification:</b>	22 January 2024
<b>Date of Press Advertisement:</b>	19 January 2024
Letters of Support	0
Letters of Objection	13
Petitions	0
Signatures	0
<b>Summary of Issues:</b> <ul style="list-style-type: none"><li>• Scope of Proposal</li><li>• Design, Character and Appearance</li><li>• Amenity</li><li>• Representations</li></ul>	

**Site Location Plan:**

**Date of Site Visit:** 05/08/2024

**Characteristics of the Site and Area**

The application site is located at No.2 Lead Hill Park, a two-storey residential dwelling located in East Belfast. The host property is finished in red brick with a hip roof profile. To the front of the property is a small, paved area of amenity space and in-curtilage parking that runs from the front along the side of the property. Boundary treatments to the front and side comprise 1.7m – 2m wooden fencing. The site comprises an irregular plot and slopes significantly from front to rear. The rear of the property includes a generous garden which sits approximately 2m below the finished floor level of the house. This is characteristic of plots in the vicinity when moving south along Lead Hill Park as the gradient increases along this stretch of built form. The character and design are broadly similar within the surrounding area.

The site is not zoned and has no specific designations as detailed within the draft Belfast Metropolitan Area Plan 2015 (dBMAP) (version 2004 & 2014).

**Description of Proposal**

The proposal seeks to erect a two-storey side and rear wrap-around extension to the north and east facing elevations. The proposal includes an additional single storey rear extension which also projects from the east facing (rear) elevation. To the rear of the site, a raised patio area set within a privacy wall and raised planter bed are proposed with steps down to the rear

garden. Other additional site works include the erection of a new boundary wall along the northern boundary and privacy wall where an existing detached garage is to be demolished.

## **Planning Assessment of Policy and Other Material Considerations**

### **1.0 Site History**

There is no site history linked to this site address.

### **2.0 Policy Framework**

- **Belfast Local Development Plan 2035: Plan Strategy**
  - Policy RD2: Residential extensions and alterations
  - Policy TRAN 8: Car parking and servicing arrangements
- **Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015**
  - Paragraphs 4.24 – 4.30

### **3.0 Statutory Consultations**

There were no consultation requirements for this proposal.

### **4.0 Non-Statutory Consultations**

There were no consultation requirements for this proposal.

### **5.0 Representations**

The application has been advertised in local press and relevant neighbours have been notified. There have been 13no. objections to this proposal from 4no. people. All representations have been considered and a summary of the key points are set out below.

- Overshadowing / loss of light to key habitable rooms.
- Extension higher than boundary treatments.
- Issues with application details as misleading or false.
- Privacy and overlooking to adjoining neighbour.
- Structural integrity of adjoining retaining wall and fencing / health and safety / dog owners.
- Building Control issues.
- Overlooking and reduced privacy.
- Not in-keeping with neighbouring design and materials.
- Existing detached garage to be removed will have asbestos health issues.
- Over dominance.
- Property damages, costs, and maintenance issues, responsibility for owner or neighbour?
- Parking / delivery issues during construction time.
- Accuracy of design statement.
- Permission to access land for construction.
- Infringing on private amenity space of neighbours.
- Gradient and levels concerns.
- Lack of precedent in area.
- Inadequate drainage solutions.
- Inconsistency with plans.
- Render considered alien not in character to the surrounding area.

- Roof design not consistent with area / neighbours.
- North elevation opening does not annotate “non-opening” and would cause overlooking.
- Exacerbation of privacy and dominance due to levels differences.
- Proposed 2.4m boundary wall would create overbearing impact.
- Contrary to planning policy.

The representations have been fully considered as part of the overall assessment of this proposal.

## **6.0 Planning Assessment**

### **6.1 Scope of Proposal**

- 6.1.1 The proposal seeks to erect a two-storey side and rear wrap-around extension to the north and east facing elevations. The proposal includes an additional single storey rear extension which also projects from the east facing (rear) elevation. To the rear of the site, a raised patio area set within a privacy wall and raised planter bed are proposed with steps down to the rear garden. Other additional site works include the erection of a new boundary wall along the northern boundary and privacy wall where an existing detached garage is to be demolished.

### **6.2 Design, Character and Appearance**

- 6.2.1 The two-storey side and rear extension will be constructed with a mix of red facing brick to match the existing finish material at ground floor and smooth render painted white on the first floor. The proposed privacy wall along the northern site boundary and surrounding the raised patio at the rear will utilise red brick to match existing. The choice of external finishes seeks to reflect the existing material (red brick) and complement the colour and design features of the site with smooth white render which are present within the cills and lintels found on the property and on surrounding dwellings. Three storey properties are not uncharacteristic within the area as demonstrated by the development at Hillside Court approximately 50m from the application site.
- 6.2.2 Paragraph 4.2.1 of the residential extensions and alterations supplementary planning guidance (SPG) states that “*A contrasting design for an extension or alteration may also be acceptable if its relationship with the existing property is shown to have been well considered and the design process convincingly demonstrated, resulting in an additional element or elements which are functional, expressing high aesthetic quality which is unobtrusive and which builds on sustainability in the sense that the design and choice of materials are durable and not appealing to passing trends*”. The site is designated as Whiteland within dBMAP and has no zoning which restricts character or materials. the presence of red brick is predominant in the area, however, it is considered that the materials and design would complement the host property.
- 6.2.3 Paragraph 4.2.4 of the SPG states “*the external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. Using similar or complementary materials to those of the existing property*”

*is more likely to produce a successful extension or alteration*". The mix of red brick which matches the existing property and surrounding properties, in with smooth white render complements the design and character of the area and therefore acceptable regarding Policy RD2 of the LDP.

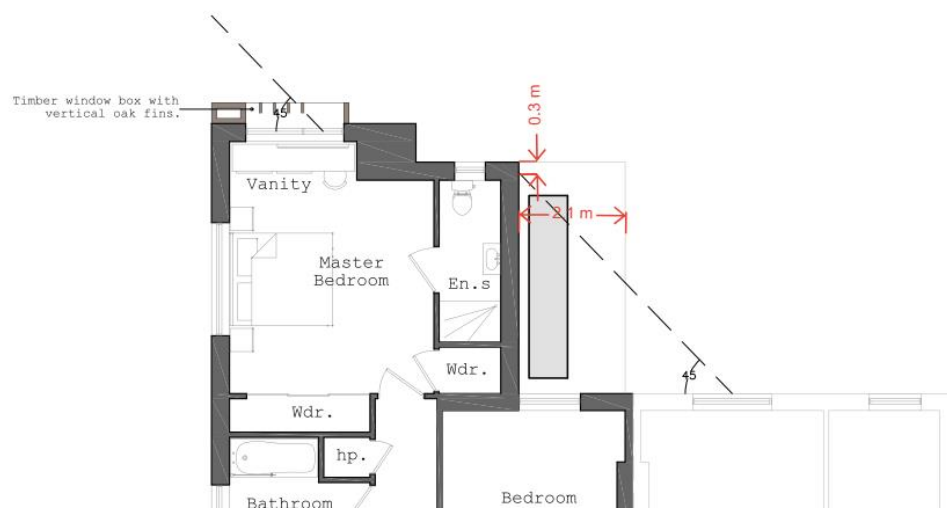
- 6.2.4 The existing dwelling floorspace is 109m<sup>2</sup> in area. The proposal seeks to erect a two-storey side and rear extension with an additional single storey extension at the rear. The finished floorspace will total 191m<sup>2</sup>, an additional 82m<sup>2</sup>. There is sufficient in-curtilage space within the site and 71m<sup>2</sup> of an amenity area will remain at the rear and no loss of amenity space will occur to the front amenity / parking area. The proposal remains subservient to that of the host building. The proposal adheres to criteria within the Residential Extension SPG pertaining to Policy RD2 regarding scale and massing as the extension is set back from the principal elevation by 2m, set down from the original roof ridge by 0.7m and a minimum of 1m is retained with the neighbouring boundary. There is a gap of 0.8m between the plot boundary and the patio wall to the rear of the site. On balance, this is appropriate as it will retain access to the rear for bin storage and site maintenance.
- 6.2.5 The proposal will introduce a pitched roof to the existing hip roof. This is in contrast to the host dwelling, however; as the proposal is subservient in scale and set back from the principal elevation, the two-storey side and rear element will broadly complement the context of the site. The single storey element has a flat roof profile and is wholly to the rear of the property screened from views from the street scene. The proposals are therefore acceptable regarding scale, massing and design and broadly compliant with Policy RD2 of the LDP.
- 6.2.6 The raised patio and privacy walls form part of the extension and provide an amenity area. The proposed materials are consistent with the existing dwelling and context. The privacy wall is located along the boundary in place of a detached garage which is to be demolished. This will provide additional privacy measures given topography. These elements will be discussed in further detail within the amenity section of this report. These elements are deemed acceptable regarding scale, massing and design. The character and appearance of the site and area is not considered to be compromised by the proposal given they will largely be screened from public viewpoints. On balance, the proposal is acceptable regarding Policy RD2 of the LDP.
- 6.2.7 There is no alteration to in-curtilage car parking availability, the site is assessable to public transport located on the Ballygowan Road which in close proximity to the site. These elements are compliant with criteria set out within Policy TRAN 8 of the LDP.

### **6.3 Amenity**

- 6.3.1 The applicant has provided a 45-degree angles test at both ground and first floor level. Paragraph 4.3.27 of the SPG for residential extensions and alterations states "*the 'angles test' is not a rigid standard which must be met in every case. Rather, it is a tool which can be used to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties. However, other relevant factors will also be considered*". Based on the details submitted by the

applicant, the distance the single storey extension would fail/breach the 45-degree test would be 2.2m from the rear elevation.

- 6.3.2 Permitted development regulations would allow the applicant to extend out from the rear at single storey by 3m without the requirement for planning permission. The permitted development regulations are a material consideration. The 45-degree test fails at a length of 3.3m (0.3m beyond permitted development). The proposed extension is a total of 4.5m and in this case would breach the test by 1.2m. The height of the extension is 2.7m with a flat roof profile, permitted development regulations would allow a 2m high wall along this boundary without the requirement for planning consent (0.7m above permitted development). On balance, the 1.2m breach at single storey is deemed marginal. See screen grab below to illustrate.



- 6.3.3 As referenced in the SPG guidance, other relevant factors should also be considered. In this instance, No.4 Lead Hill Park is at a marginally increased gradient from the application site and the orientation of the rear elevations are east facing. Sun path analysis indicates that this proposal would have minimal impact regarding loss of light or over shadowing into No.4 Lead Hill Park. The additional 0.7m height above that of permitted development is deemed not to exacerbate the loss of light, over-shadowing or dominance. The two-storey rear extension is set 2.1m off the boundary with adjoining property at No.4 Lead Hill Park. This element marginally fails the 45-degree test by 0.3m and based on the details outlined above would not exacerbate the current site context. See above image of measurements illustrating the 0.3m breach and the 2.1m distance off the boundary.
- 6.3.4 With regards to the privacy of No.4 Lead Hill Park, the single storey element extends 4.5m from the rear elevation obscuring direct views to the immediate amenity area. The existing dense boundary treatment on site will be retained and also obscure views towards No.4 Lead Hill Park. The proposal includes a privacy wall around the rear patio which will protect privacy further.



6.3.5 The angles test is compliant with adjacent properties at Nos.02 & 04 Lead Hill. The key aspects to consider from this prospective is dominance and overlooking as both properties are at lower gradient levels from the application site.

6.3.6 No.4 Lead Hill, which is situated directly North of the application site sits on average 0.5m gradient below the application site at the closest datum points. There is an existing large, detached garage to the side of No.4 Lead Hill which screens views towards the application site. No.4 Lead Hill also has a limited amenity area to the rear. A hardstanding path links the front of the dwelling to the rear. The detached garage at No.4 Lead Hill does not appear to have planning permission on review of the site history, however it appears to be in place before 2008 which would render it immune from enforcement action. A site inspection on 5<sup>th</sup> August 2024, indicates that the rear elevation of this garage at No.4 Lead Hill has 2no. clear glass window openings which look directly into the neighbouring amenity area located at No.2 Lead Hill. See figure 1 below.



Figure 1. Dated: 05/08/2024 at 15:15pm – No.4 Lead Hill Rear Garage Elevation View.

6.3.7 Based on the site analysis and assessment of the proposed works, it is considered that there would be minimal amenity impact on No.4 Lead Hill. The proposed ground floor side elevation (north-facing) window openings have a centre point from the internal floor level of 1.7m. The proposed boundary treatment along this section of the site is a 2.4m wall. The combination of the boundary wall, detached garage and no usable amenity area to the rear of No.4 would indicate minimal impact. There would be no direct views into the rear openings of the main habitable rooms within No.4 Lead Hill. The extension is 11m from the main dwelling at No.4 Lead Hill and will not exacerbate dominance impacts given the context and orientation of the site. The 2no. first floor side elevation (North-facing) windows serve a bathroom and a main bedroom. These are

also high-level and comprise obscure glazing to protect from overlooking into adjacent properties whilst providing natural light.

6.3.8 Currently the context of the site would indicate marginal levels of overlooking into the rear amenity area due to site orientation and levels differences between these sites. However, as referenced in paragraph 4.3.8 of the SPG for residential extensions and alterations “*in urban areas few households can claim not to be overlooked to some degree*”.

6.3.9 No.2 Lead Hill has a ground level of 50.81 to its immediate rear, the application site has a ground level of 52.46 where the rear extension is proposed. This is a levels difference of 1.65m.

6.3.10 A revised submission proposes a 2.4m boundary wall along the northern curtilage which will seek to protect direct views following removal of the detached garage. The rear patio is also within an enclosed privacy wall which is 2.25m above the finished patio surface level. As mentioned above, the 2no. windows on the side elevation at first floor are high-level obscured glazing which will be conditioned to be non-opening to increase privacy / overlooking towards No.2 Lead Hill. The applicant has also included a timber window box on the first-floor rear elevation window with vertical fins that obscure 45-degree views to the north towards No.2 Lead Hill. On balance, the applicant has demonstrated that these amendments will preclude immediate overlooking and provide betterment to what currently exists on site. The two-storey extension includes a 10m separation distance from the rear elevation on No.2 Lead Hill, the proposal is set down and subservient to the original dwelling and would not over dominate the neighbouring premises to an unacceptable level.

6.3.11 The separation distance between the proposed rear elevation and the rear private amenity area of No.25 Ballygowan Road is 20m. This is an adequate distance and direct views to the rear will be obscured by the privacy wall around the patio and new planting along the rear boundary. On balance the proposal complies with guidance set out in Policy RD2 of the LDP.

#### **6.4 Representations**

6.4.1 As discussed in section 5 of this report, 13no. objections have been received by the council in relation to this proposal. The objections have been fully reviewed and considered within the assessment of this proposal. Section 6.2 covers the design, character and appearance elements and have sought to address / justify those aspects detailed in the objections via the assessment. Section 6.3 covers the amenity concerns raised within the objections. Matters of structural integrity, consent to enter land, health issues, dog ownership, construction costs / implications, are either civil matters outside the remit of planning or matters for the building control department, environmental health department or civil legal representatives to consider outside the remit of planning legislation and subject to separate legislative provisions.

**Neighbour Notification Checked**

**Yes**



## Summary of Recommendation

The application has been fully assessed having regard to all relevant material considerations. On balance, the proposals are broadly compliant with Policy RD2 of the LDP. The proposal complies with Policy TRAN 8 of the LDP in that there will be no adverse impact on parking and that the site is accessible to public transport and provision is retained for future maintenance of the rear of the site.

Having considered this proposal and all material planning considerations, the recommendation of planning approval is put forward with conditions.

### Conditions:

1. 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.

2. Notwithstanding the provisions of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the 2no. first floor side elevation windows shall at all times be non-opening and glazed with obscure glass to at least Privacy Level 3 (or equivalent).

**Reason:** To safeguard the privacy of adjacent properties.

3. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

**Reason:** In the interests of visual amenity.

4. The raised patio to the rear of the building hereby permitted shall not be used as an amenity area unless the privacy walls have been provided in accordance with the approved plans. The privacy walls shall be retained at all times in accordance with the approved plans.

**Reason:** To safeguard the amenities of the adjacent property.

**Case Officer Signature:** Ceálán O'Neill

**Date:** 26 February 2025

**Appointed Officer Signature:** Lisa Walshe

**Date:** 31.03.2025