

Committee Report

Development Management Report	
Application ID: LA04/2021/2439/DCA	Date of Committee: 14 th June 2022
Proposal: The complete dwelling, garage and front wall at back of footpath are to be demolished.	Location: 362 Lisburn Road Belfast BT9 5GL
Referral Route: Referred to under section 3.8.2 (i) of the scheme of delegation as the proposal involves the demolition of the main building in a conservation area	
Recommendation:	Refusal
Applicant Name and Address: Mr Gerald Murray 362 Lisburn Road Belfast BT9 5GL	Agent Name and Address: Tom Wilson Planning 160 Tirnascope Road Richhill Armagh BT63 5WG
<p>Executive Summary:</p> <p>The site is located at 364 Lisburn Road. The dwelling is a two storey, white render property with a pitched roof. The dwelling contains a bay window to the front elevation and a two storey rear return with a single storey rear lean to. The dwelling contains hardstanding to the front providing in curtilage parking and a garden to the rear.</p> <p>The site fronts the Lisburn Road which of mixed use with residential, retail, cafes and restaurants within close proximity to the site. To the rear of the site is primarily residential with detached and semi-detached properties. Neighbouring the site is a former bank building which is listed.</p> <p>The site sits within the Malone Conservation Area, Sub-Area A Lisburn Road.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> The principle of the demolition of the dwelling in the Conservation Area <p>The principle of the demolition of the dwelling is considered contrary to policy. The dwelling is considered to make a positive contribution to the Malone Conservation Area. No exceptional circumstances have been presented that would outweigh the general presumption against the demolition of the dwelling. The proposed replacement scheme would negatively impact the character and appearance of the conservation area. The proposal is therefore contrary to PPS6, the SPPS and would conflict with the guiding principle to afford special regard to the desirability of enhancing its character and appearance where an opportunity to do exists, or to preserve its character and appearance where an opportunity does not arise as set out in Section 104 of the Planning Act (NI) 2011.</p> <p>The Conservation Officer was consulted and objected to the proposal. Historic Environment Division (HED) have also recognised the importance of the existing building to the character and appearance of the conservation area.</p> <p>No objections were received for the demolition consent.</p> <p>Recommendation - Refusal</p>	

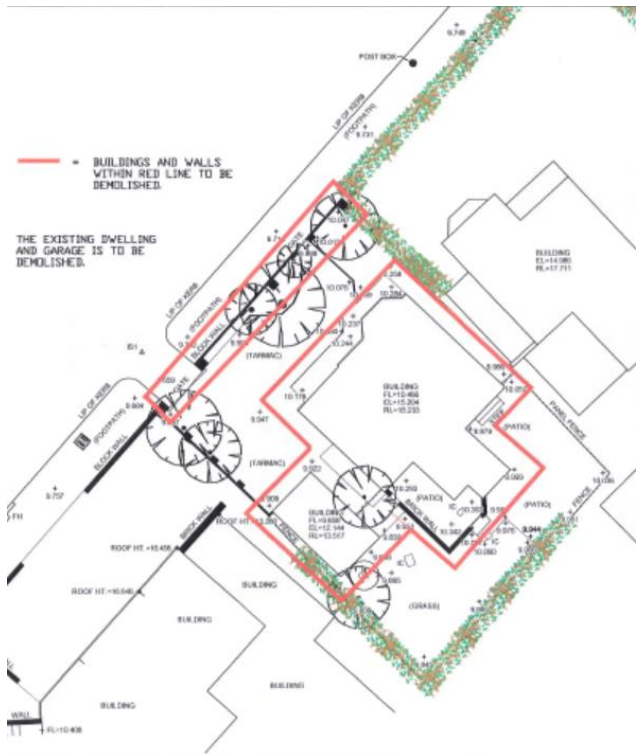
Having regard to the policy context and other material considerations, the proposal is considered unacceptable, and refusal of planning permission is recommended for the reasons set out below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Existing Block Plan



Existing Front Elevation



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	Proposed demolition of existing dwelling and garage to allow for the erection of a new semi-detached dwelling and two apartments.
2.0	Description of Site
2.1	The site is located at No 364 Lisburn Road. The dwelling is a two storey, white render property with a pitched roof. The dwelling contains a bay window to the front elevation and a two storey rear return with a single storey rear lean to. The dwelling contains hardstanding to the front providing in curtilage parking and a garden to the rear. The property is of a vaguely, diluted Arts and Craft idioms characteristic of suburban dwellings of the Edwardian period, though the later date / period may be read through the larger horizontal emphasis windows reflecting that were facilitated by stronger lintels, the porch and the flat canopy above first floor window.
2.2	The site fronts the Lisburn Road which is a mixed-use area with residential, retail, cafes and restaurants within close proximity to the site. To the rear of the site is primarily residential with detached and semi-detached properties. Neighbouring the site is a former bank building which is listed. The site sits within the Malone Conservation Area, Sub-Area A Lisburn Road.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Z/2008/2260/F, 362 Lisburn Road, Malone Lower, Belfast, BT09 6GL, Change of use from house to medical surgery with internal alterations and provision of car parking spaces. PERMISSION GRANTED. 14.08.2009. Z/2003/0035/F, 362 Lisburn Road, Belfast, BT9 6GL, Extension to dwelling, PERMISSION GRANTED, 15.05.2003.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2004, 2015
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.5	A Design Guide for the Malone Conservation Area
5.0	Statutory Consultees Responses None
6.0	Non-Statutory Consultees Responses Conservation Officer- Objects
7.0	Representations
	No objections were received.
8.0	Other Material Considerations None

9.0	Assessment
9.1	<p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP 2015 remaining a material consideration. Given the advanced stage at which dBMAP 2015 (v2014) pre-adoption including modification following the Planning Appeals Commission's report on the Examination in Public, it is considered that it holds significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.</p>
9.2	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
9.3	<p>With regards to development in Conservation Areas, Section 104(11) states that special regard must be had to the desirability of;</p> <p>(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</p> <p>(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise</p>
9.4	<p>Paragraph 6.18 of the SPPS states as follows:</p> <p>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</p> <p><u>The Principle of Demolition in the Conservation Area</u></p>
9.5	<p>The existing dwelling is a two storey, two bay dwelling faced in render with pitched, slated roof (with decorative ridge tiles). The slightly projecting left bay contains a canted bay window to the ground floor, to the right a first floor window that breaks the eaves below a flat canopy, and an 'in antis' ground floor below wide, segmental arch. Ridge chimneys create a broken roof silhouette. A gabled return occurs to the rear. The property is of a vaguely, diluted Arts and Craft idioms characteristic of suburban dwellings of the</p>

	Edwardian period, though the later date / period may be read through the larger horizontal emphasis windows reflecting that were facilitated by stronger lintels, the porch and the flat canopy above first floor window.
9.6	Policy BH 14 of PPS 6 states that demolition will normally only be permitted in a Conservation Area where the building makes no material contribution to the character or appearance of the area. The Conservation Officer has been consulted and states that the property is an integral part of the townscape, allowing the architectural evolution and the historical progression of the area to be read. The dwelling is considered to make a contribution to the historic character by partly ascribing the historic development in the area. The dwelling is one of nine detached residential properties constructed during the Edwardian years (1907-1916) as recognised in paragraph 4.2.17 of the Design Guide for the Malone Conservation Area. The design of No. 360 Lisburn Road which is seemingly of a later date is based upon the design of No. 362. It is therefore considered that the dwelling makes a positive contribution to the architectural and historic interest/ character and appearance.
9.7	As stated in the SPPS there is a general presumption against the demolition of unlisted buildings within a Conservation Area. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken in BH 14 of PPS 6 and advises that in assessing such proposals for demolition regard will be had to the same broad criteria outlined for the demolition of listed buildings in paragraph 6.25 of PPS 6 and Policy BH 10. Policy BH 10 states that there needs to be exceptional reasons as to why the building cannot be retained in its original or a reasonably modified form. Paragraph 6.25 sets out the factors to be considered in the total demolition of a listed building.
9.8	Factor (a) considers the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. A structural survey report (visual assessment only) has been submitted detailing the condition of the dwelling, whilst the building is in need of repair, the issues identified in the structural report are typical issues associated with older buildings. In addition, the report does not state that the building cannot be retained or demonstrate that the building isn't capable of refurbishment. The cost of repairing and maintaining the dwelling was requested but has not been submitted due to the dwelling being in current occupation.
9.9	Factor (b) is the adequacy of efforts made to retain the building in use. The building is currently in use and occupied, therefore there is no argument to be made in this respect. The agent states that to secure the long term use of the building and bring it to modern standards, the extent of the works required would mean the external fabric of the building would be new and no longer historic. The submitted structural report was based on a visual assessment only and does not take a retention / minimum loss of historic fabric approach and justification / evidence for the extent of the works has not been included.
9.10	Factor (c) is the merits of alternative proposals for the site. The proposed scheme is assessed in the associated full report planning reference LA04/2021/2440/F. In summary it is considered that the modern design is deemed to not be sympathetic and harm the character and appearance of the conservation area. The proposal seeks an intensification of the existing use on site and would not bring substantial community benefits.
9.11	The Conservation Officer was consulted and objected to the proposal. HED have also recognised the importance of the existing building to the character and appearance of the conservation area. It has been deemed that the dwelling makes a positive contribution to the architectural and historic interest/ character and appearance and there are no

	exceptional circumstances which would grant the demolition of the dwelling. The principle of demolition and redevelopment of the site is considered unacceptable and contrary to Policy BH 14 of PPS 6.
10.0	Summary of Recommendation: Refuse
11.0	Reasons for Refusal The demolition of the existing dwelling is considered contrary to the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage and the Design Guide for Malone Conservation Area in that the existing dwelling is deemed to make a positive contribution to the character and appearance of the Malone Conservation Area and no exceptional reasons has been demonstrated, which in the judgement of Belfast City Council, justifies its demolition.