

## Committee Report

| <b>Summary</b>  |   |
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| <b>Application ID:</b> LA04/2021/2114/F & LA04/2021/2113/DCA  | <b>Date of Committee:</b> 16 <sup>th</sup> August 2022  |
| <b>Proposal:</b><br>Demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works.  | <b>Location:</b><br>27 Cleaver Avenue,<br>Belfast,<br>BT9 5JA   |
| <b>Referral Route:</b> Full demolition of main building in a Conservation Area  |   |
| <b>Recommendation:</b>  | Approval  |
| <b>Applicant Name and Address:</b><br>Breige O'Kane<br>9 Malone Park<br>Belfast<br>BT9 6NH  | <b>Agent Name and Address:</b><br>Des Ewing Residential Architects<br>The Studio<br>13 Bangor Road<br>Hollywood<br>BT18 ONU |
| <p><b>Executive Summary:</b></p> <p>This application (ref:LA04/2021/2114/F) seeks full planning permission for the demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works.</p> <p>An accompanying application (ref:LA04/2021/2113/DCA) for demolition of the dwelling and carport has been submitted which is also being considered.</p> <p>The site is located at 27 Cleaver Avenue. The site consists of a detached bungalow finished in white render with a hipped roof and attached carport to side. The site is well defined with mature planting to the front and established hedging defining the side and rear boundaries. There is a driveway to the front leading to parking and a large garden to the rear.</p> <p>The surrounding area is residential comprised predominantly of two storey detached properties within large plots. The site is within the Malone Conservation Area- Sub Area K-Beechlands/Cleaver. In the BUAP, Draft BMAP v2004 and v2014, the site is un-zoned "white land" within the development limits of Belfast.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• The principle of development</li> <li>• Impact on Malone Conservation Area</li> <li>• Impact on Amenity</li> <li>• Impact on Trees</li> <li>• Access and Parking Layout</li> </ul> <p>It is not considered that the dwelling to be demolished makes a material contribution to the Malone Conservation Area and therefore the demolition is acceptable subject to a suitable replacement scheme. The proposed one and a half storey detached replacement dwelling is deemed to be of</p> |   |

an acceptable scale and massing and in keeping with the character and appearance of the surrounding area. Overall, the proposal is considered to preserve the Malone Conservation Area.

The Conservation Officer has offered no objection to the proposal further to amendments received to the design, removal of integral garage and replacement with a smaller storage area to facilitate a setback and ensure it is subservient to the main dwelling, as is commonly the case throughout the conservation area.

The proposal complies with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act. The proposal is considered acceptable in all other respects.

Having regard to the Development Plan and other material considerations, the proposal is considered acceptable. Approval is recommended for the reasons set out in detail in the main report.

### **Recommendation**

Subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that these applications are approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

**Case Officer Report**

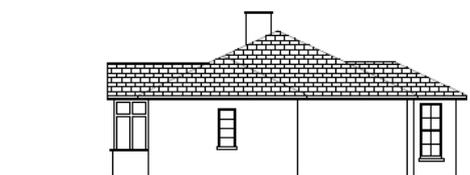
Site Location Plan



Existing dwelling to be demolished



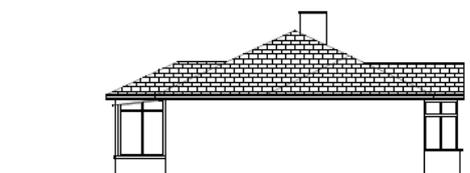
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

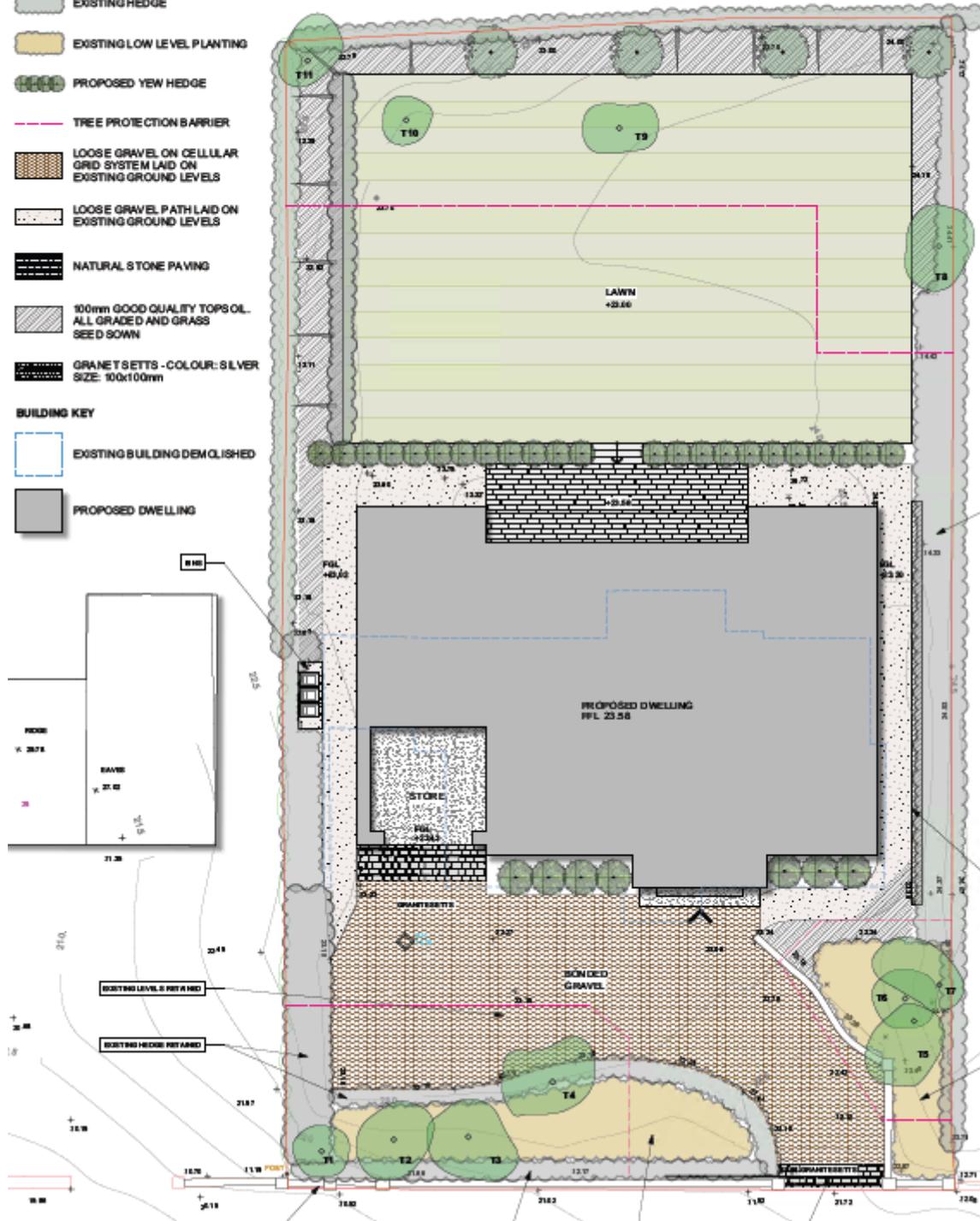
# Proposed Site Plan

## PLANTING KEY

-  EXISTING TREE RETAINED
-  PROPOSED TREES. PLANT NEW HEAVY STANDARD DOWNY BIRCH TREES WITH GIRTH BETWEEN 100-140MM.
-  EXISTING HEDGE
-  EXISTING LOW LEVEL PLANTING
-  PROPOSED YEW HEDGE
-  TREE PROTECTION BARRIER
-  LOOSE GRAVEL ON CELLULAR GRID SYSTEM LAID ON EXISTING GROUND LEVELS
-  LOOSE GRAVEL PATH LAID ON EXISTING GROUND LEVELS
-  NATURAL STONE PAVING
-  100mm GOOD QUALITY TOPSOIL. ALL GRADED AND GRASS SEED SOWN
-  GRANET SETTS - COLOUR: SILVER SIZE: 100x100mm

## BUILDING KEY

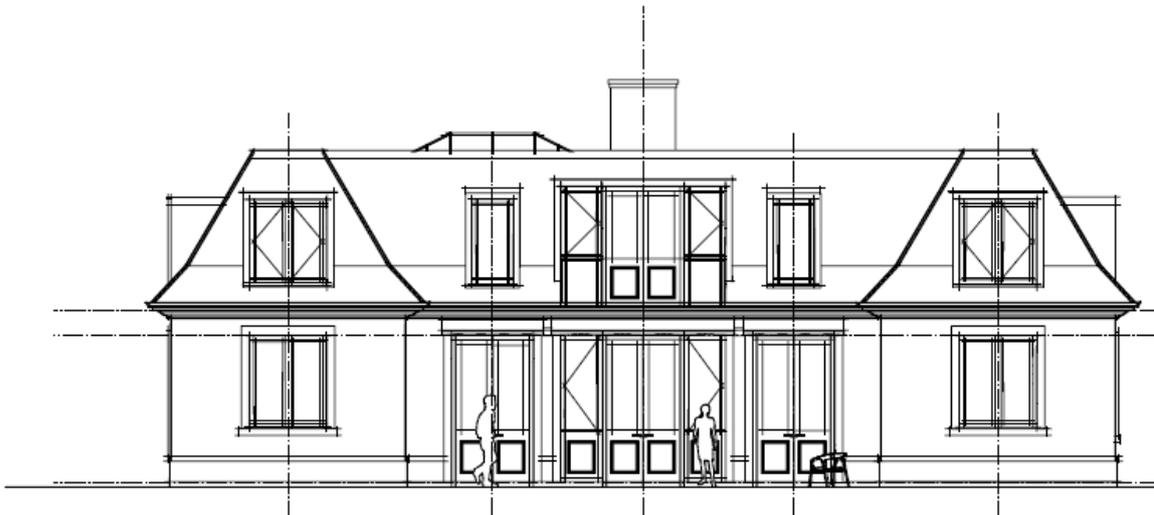
-  EXISTING BUILDING DEMOLISHED
-  PROPOSED DWELLING



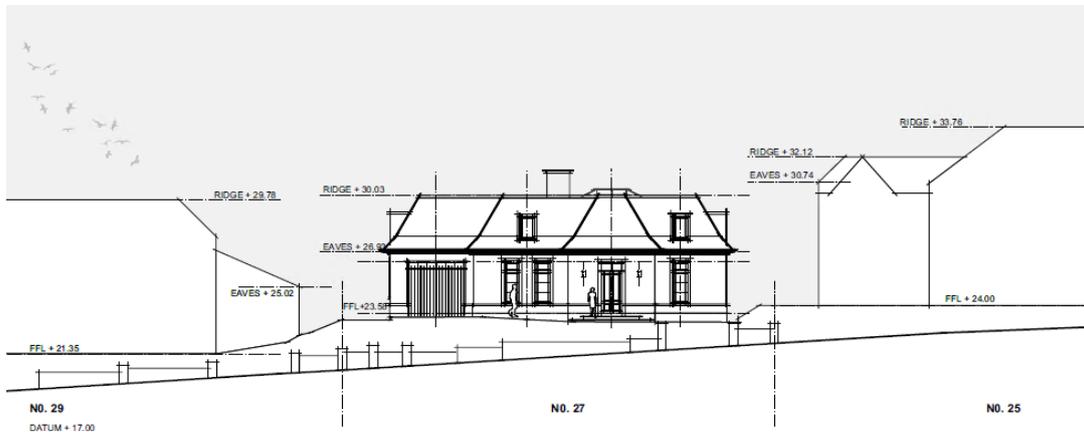
Proposed replacement dwelling



1 NORTH ELEVATION  
Scale: 1:100



2 SOUTH ELEVATION  
Scale: 1:100



6 CONTEXTUAL ELEVATION  
Scale: 1:200

| <b>Characteristics of the Site and Area</b>                            |  |
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| 1.0  | <p><b>Description of Proposed Development</b></p> <p>Full planning permission and conservation area consent is sought for the demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works.</p> <p>The proposed dwelling is located centrally on the site in a similar location to the existing dwelling, albeit with a slightly deeper footprint. The dwelling has a ridge height of approximately 6.5m and an eaves height of approximately 3.4m.</p>   |
| 2.0  | <p><b>Description of Site</b></p> <p>The site is located at 27 Cleaver Avenue. The site consists of a detached bungalow finished in white render with a hipped roof and attached carport to side. The site is well defined with mature planting to the front and established hedging defining the side and rear boundaries. There is a driveway to the front leading to parking and a large garden to the rear.</p> <p>The surrounding area is residential comprising predominantly of two storey detached properties within large well defined plots. The site is within the Malone Conservation Area-Sub Area K- Beechlands/Cleaver.</p>   |
| <b>Planning Assessment of Policy and other Material Considerations</b> |  |
| 3.0  | <p><b>Site History</b></p> <p>None</p>   |
| 4.0  | <b>Policy Framework</b>  |
| 4.1  | Belfast Urban Area Plan 2001 (BUAP)  |
| 4.2  | <p>Draft Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015)</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP 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. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>   |
| 4.3  | <p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <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> |
| 4.4  | Strategic Planning Policy Statement for Northern Ireland (SPPS)  |
| 4.5  | Planning Policy Statement 2: Natural Heritage  |
| 4.6  | Planning Policy Statement 3: Access, Movement and Parking  |
| 4.7  | Planning Policy Statement 6: Planning, Archaeology and The Built Heritage  |
| 4.8  | Planning Policy Statement 7: Quality Residential Environments  |

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| 4.9  | Planning Policy Statement 7: Addendum: Safeguarding the Character of Established Residential Areas  |
| 4.10 | Planning Policy Statement 12: Housing in Settlements  |
| 5.0  | <p><b>Statutory Consultees Responses</b></p> <p>NIEA- No Objection<br/> NI Water-No objection subject to conditions<br/> <i>Officer Response: As the proposal is for a replacement dwelling which is already connected to the existing network, the proposal is not considered an intensification – as such the recommended conditions are not considered necessary or relevant.</i></p>  |
| 6.0  | <p><b>Non Statutory Consultees Responses</b></p> <p>Conservation Officer- No Objection<br/> Tree Officer- No objection with Conditions<br/> DFI Roads- No objection with Conditions</p>   |
| 7.0  | <p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. No representations have been received.</p>  |
| 8.0  | <b>Other Material Considerations</b>  |
| 8.1  | <p>Malone Conservation Area Design Guide<br/> Creating Places<br/> Living Places<br/> DCAN 15 Vehicular Access Standards<br/> Parking Standards<br/> Development Management Practice Note Historic Environment</p>  |
| 9.0  | <b>Assessment</b>   |
| 9.1  | The proposal is considered to be in compliance with BUAP and both versions of draft BMAP.   |
| 9.2  | Assessment  |
| 9.21 | With regards to development in Conservation Areas, there is a statutory requirement under Section 104(11) that states special regard must be had to the desirability of;<br>(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;<br>(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise   |
| 9.22 | Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that 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. A similar approach is taken under Policies BH12 and BH14 of PPS6. |
| 9.23 | Par. 6.19 of the SPPS sets out the criteria which should be applied when determining such development.  |
| 9.24 | <p><b>Principle of Development</b></p> <p>The site is located within the development limits as designated in the BUAP, Draft BMAP 2015 (both v2004 and v2014). Residential use is established on the site, therefore the</p>  |

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|      | <p>principle of a dwelling on the site is considered acceptable subject to the material considerations as set out below.</p> <p><b>Impact on Malone Conservation Area</b></p> <p><i>Demolition</i></p>   |
| 9.25 | <p>The proposal has been assessed against Policy BH14 of PPS6. The Sub Area K-Beechlands/Cleaver of the Malone Conservation Area mainly comprise of 1920s – 1930s Arts &amp; Crafts properties along with later development of post WW2 architecture, with the Clever development reflecting the later. The Conservation Officer has acknowledged that whilst the existing dwelling reflects some of this general design continuum, the existing building is considered to be of limited architectural or historical interest. The Conservation Officer has advised that they have no objection to the proposed demolition. On this basis, the existing dwelling is not considered to make a material contribution to the character and appearance of the Malone Conservation Area and as such it could be removed, subject to an adequate replacement. The proposed redevelopment scheme shall be assessed below.</p> |
|      | <p><i>Design and impact of the replacement scheme on the character and appearance of the Malone Park Conservation Area</i></p>   |
| 9.26 | <p>The scale and massing of the proposed dwelling is similar to that of the existing dwelling, with the one and a half storey reflecting the form of the existing dwelling and the proposed footprint in keeping with an established building line. The ridge height, although now storey and a half, is only 1.5m higher than the existing dwelling and actually more in keeping with the scale of the adjoining two storey properties.</p>   |
| 9.27 | <p>The design, with dormers set back from the eaves within a hipped roof, is slightly different to the single storey dwelling in the site at present, however the overall proportions are maintained, despite the introduction of first floor accommodation. And although slightly narrower, the proposal echoes the character and overall appearance of the existing dwelling and conservation area in terms of hipped roof, rendered walls, strong verticality to openings with horizontal glazing bars to windows. Mature vegetation and low level boundary walls are to be retained with the relationship of building to plot ratio and building setting respected. The proposal would conform with the guidance set out in the Malone Design Guide. The Conservation Officer is content with the replacement scheme.</p>  |
| 9.28 | <p>Overall, the existing dwelling is not considered to make a material contribution. It is considered that the proposed replacement dwelling is well designed and sympathetic, therefore an adequate replacement can be secured. The character and appearance of the Malone Conservation Area would be preserved. The proposal is considered to comply with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.</p>   |
|      | <p><b>Impact on amenity</b></p>  |
| 9.29 | <p>The proposal has been assessed against Policy QD1 of PPS7. With the introduction of first floor windows, where there were not previously in the existing bungalow, there is the potential to further impact on the amenity of adjoining dwellings.</p>  |
| 9.30 | <p>There are two bedroom windows and a set of patio doors and two windows from a study at first floor level on the rear elevation. There are landing windows in either gable and two small dormer windows on the front elevation.</p>  |
| 9.31 | <p>The windows to the rear and side are the main consideration here, given their proximity to the private amenity areas to the rear of adjoining properties. To the rear, the separation</p>   |

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| <p>9.32</p> <p>9.33</p> <p>9.34</p> <p>9.35</p> <p>9.36</p> | <p>distance to the dwelling behind is in excess of 35m and as such any view will be distant and not uncommon in a suburban area such as this.</p> <p>In terms of the first floor gable windows, these are located towards the front of the house, and as such would not result in any direct overlooking over the private rear gardens either side.</p> <p>Given the building lines and scale of the proposal dwelling, it would not unduly impact neighbouring properties in terms of loss of light, overshadowing and dominance. Overall, the proposal would comply with Policy QD1 of PPS7 and Creating Places in this regard.</p> <p><b>Impact on Trees / Landscaping</b></p> <p>None of the mature planting along the boundaries of the site will be impacted by the proposal. The existing planting is to be enhanced through additional heavy standard birch trees and yew hedge. In this respect the proposal complies with the relevant criteria set out in Policy BH12 of PPS 6, Policy QD1 of PPS7 and paragraph 6.19 of the SPPS.</p> <p><b>Access and Parking Layout</b></p> <p>The access location remains the same. No intensification of use is proposed with a detached dwelling replacing a detached dwelling. An in-curtilage parking/ turning area is proposed to the front of the dwelling, providing the required 2 parking spaces.</p> <p>DFI Roads has offered no objection to the proposal subject to conditions relating to retention of existing access and construction of hard standing in accordance with proposed drawings. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.</p> |
| <p><b>10.0</b></p>  | <p><b>Summary of Recommendation: Approve</b></p> <p>Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable.</p>  |
| <p><b>11.0</b></p>  | <p><b>Draft Conditions for LA04/2021/2114/F</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. All landscaping works shall be carried out in accordance with the approved details on drawing no 3B published to the Planning Portal 15/06/2022. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme 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 with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</li> </ol> <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> <li>3. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting,</li> </ol>   |

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. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Please notify council when the fencing is erected for a site visit to confirm the fencing is installed in the correct locations.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

5. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

6. The existing vehicular access to be retained including proposed driveway hardstanding shall be constructed in accordance with proposed site layout Drawing No.03 received by Belfast Planning Service on 14<sup>th</sup> October 2021, prior to the occupation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance proposed Site layout Drawing No.03, received by Belfast Planning Service on 14<sup>th</sup> October 2021, to provide for parking and manoeuvring of cars within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason : To ensure that adequate provision has been made for parking of vehicles within the site.

8. The access gradient shall not exceed 8% (1 in 12.5) over the first 5.0m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. No development shall commence until samples of the materials and detailed schedule of materials to be used in the construction of the external surfaces (including roof, walls, windows/ doors, rainwater goods) of the dwelling and sliding gate of the development hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details

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|  | <p>Reason: In the interests of Malone Conservation Area.</p> <p><b>Draft Conditions for LA04/2021/2113/DCA</b></p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.</p> <p>2. In accordance with Section 105 of the Planning Act (NI) 2011, the building shall not be demolished until a contract for the redevelopment of the site in accordance with the detailed proposals under application reference LA04/2021/2114/F has been agreed, and evidence of that contract submitted to and approved in writing by the Council.</p> <p>Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of Malone Park Conservation Area.</p> |
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| <b>ANNEX</b>   |                    |
|--|--------------------|
| <b>Date Valid</b>  | 13th October 2021  |
| <b>Date First Advertised</b>   | 22nd October 2021  |
| <b>Date Last Advertised</b>  |                    |
| <b>Details of Neighbour Notification</b> (all addresses)                           |                    |
| 18 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 20 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 22 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 24 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 25 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 28 Cleaver Park, Belfast, Antrim, BT9 5HY  |                    |
| 29 Cleaver Avenue, Belfast, Antrim, BT9 5JA  |                    |
| 30 Cleaver Park, Belfast, Antrim, BT9 5HY  |                    |
| 32 Cleaver Park, Belfast, Antrim, BT9 5HY  |                    |
| <b>Date of Last Neighbour Notification</b>   | 17th November 2021 |
| <b>Notification to Department (if relevant)</b> – Yes, referral of DCA application |                    |
| <b>Elected Representatives:</b> None   |                    |