

**Development Management Officer Report
Committee Application**

Summary	
Application ID: LA04/2025/2090/F	Committee Meeting Date: 19 th May 2026
Proposal: Creation of hardstanding and widening of vehicular access to front of dwelling. (Retrospective)	Location: 38 Hillhead Avenue, Belfast, BT11 9GD
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation (request for referral of application to Committee from an Elected Member)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Eamonn Orchin 38 Hillhead Avenue Belfast BT11 9GD	Agent Name and Address: Eamonn Orchin 38 Hillhead Avenue Belfast BT11 9GD
<p>Executive Summary:</p> <p>This application seeks full planning permission for the widening of the existing driveway and the creation of hardstanding area at 38 Hillhead Avenue. Part of the works have been undertaken already (as described in the main report).</p> <p>The proposal involves the removal of part of an existing boundary wall and railing to the front of the site to allow for the widening of driveway for vehicular access and parking. The area to the front of the property formerly consisted of a concrete area and a grassed garden area. The hardstanding concrete area and most of the grass area was then laid over in impermeable asphalt with an area of permeable paving to the front of the dwelling. The proposal as amended is to replace part of the tarmac area with a permeable surface finish (perma-resin).</p> <p>Seven representations have been made on the application by the occupier of the neighbouring property at No. 40 Hillhead Avenue, who objects to the application. The issues raised are addressed in the main report. DfI Roads have been consulted and offers no objection to the proposal subject to conditions.</p> <p>Having regard to the policy context, the proposal is considered acceptable and planning permission is recommended for approval.</p> <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>	

Officer Report

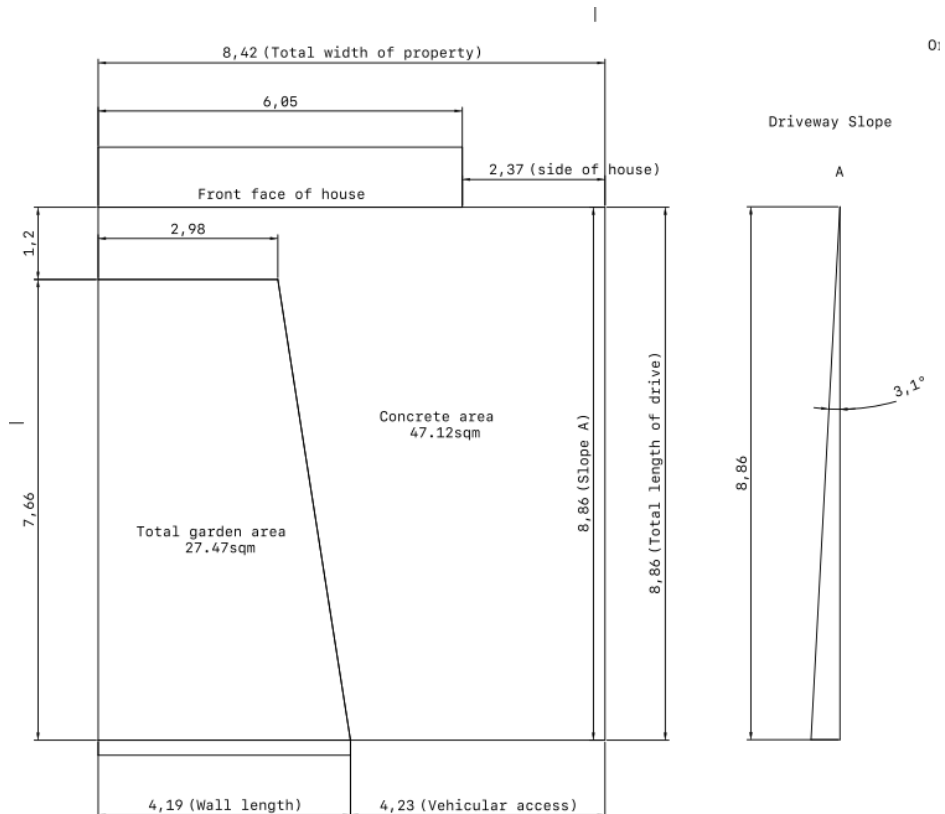
1.0

PLANS AND IMAGERY

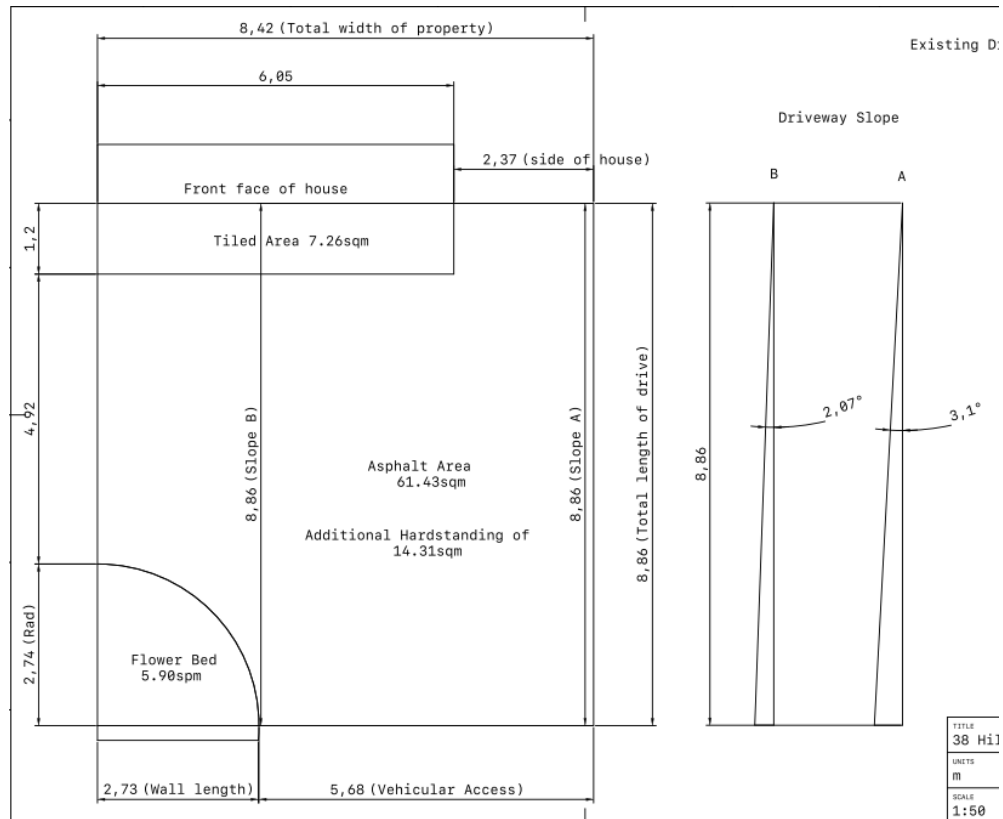
Site location plan:



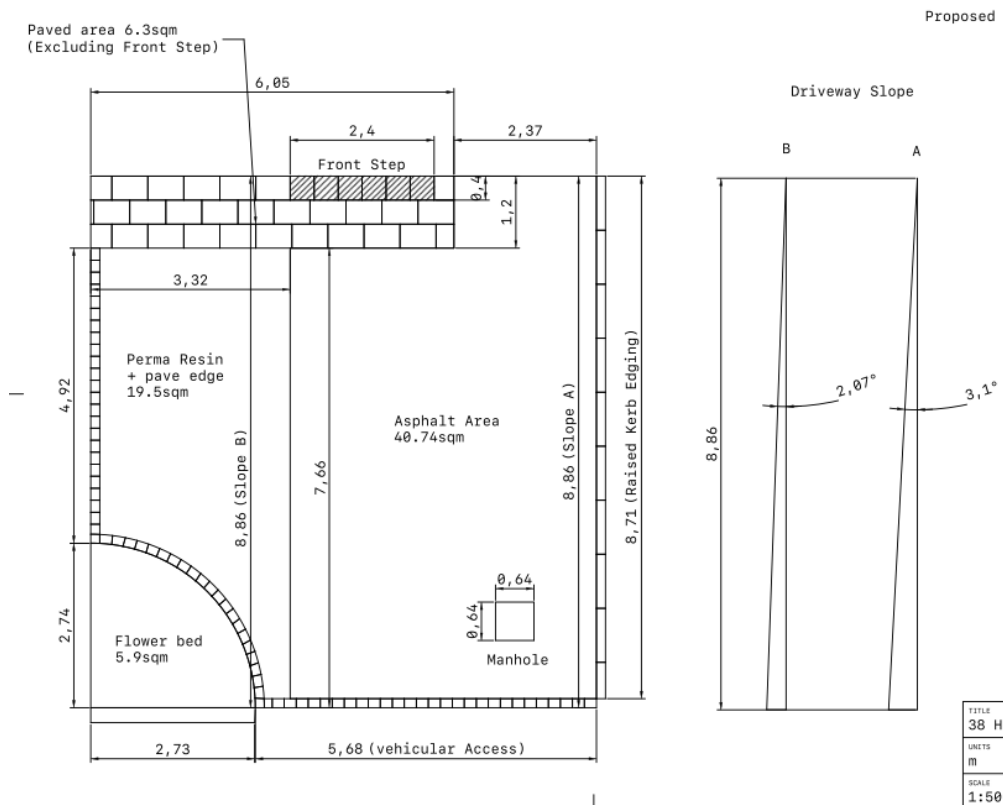
Existing (Original) Driveway Plan:



Current Driveway Plan (as constructed):



Proposed Driveway Plan:



1.1

Site photos





2.0	Characteristics of the Site and Area
2.1	The application relates to No. 38 Hillhead Avenue, which comprises a semi-detached, 2-storey dwelling finished in red brick with a detached garage to the rear. There is hardstanding for car parking to the front of the property with a small flower bed and a larger area of private amenity/garden space to the rear.
2.2	The prevailing character of the area is semi-detached houses that are finished in brick with small front gardens and areas of hardstanding, some of which have been amended to accommodate additional car parking space for the dwellings. There is a mix of boundary finishes within the street scene, in the form of render wall, timber fence and hedging.
3.0	Description of Proposal
3.1	The application seeks full planning permission for the widening of the existing driveway and the creation of hardstanding area.
3.2	<p>Part of the proposed works have been undertaken already by way of the following:</p> <ul style="list-style-type: none"> • The driveway access and egress point has been widened from approximately 4.2m wide to 5.7m wide (approximately 1.4m of boundary wall has been removed, which remains at the same height) • The front garden/grass area has been removed and replaced with asphalt with a flower bed area adjacent to the public road and boundary wall. • Asphalt has been over laid onto a former area of concrete. • A paved area has been laid to front of the house and around the front door step with brick paving to surround of the driveway.

<p>3.3</p> <p>3.4</p>	<p>The remaining works to be carried out under this proposal involves the following:</p> <ul style="list-style-type: none"> Part of the area of the asphalt that has been laid is to be removed and replaced with a permeable surface finish (perma-bound resin). <p>Table 1 below sets out the measurements of surface areas for the former existing (original), current (as built) and proposed site layouts</p> <table border="1" data-bbox="284 488 1445 925"> <thead> <tr> <th></th> <th>Impermeable Hard Surface</th> <th>Permeable Hard Surface</th> <th>Permeable Garden Area</th> <th>Total Permeable Area</th> <th>Total Ground Area</th> </tr> </thead> <tbody> <tr> <td>Former Existing Plan</td> <td>47.12sqm (Concrete hardstanding)</td> <td>0sqm</td> <td>27.47sqm (Grass area)</td> <td>27.47sqm</td> <td>74.59sqm</td> </tr> <tr> <td>Current Plan</td> <td>61.2sqm (Asphalt hardstanding and doorstep)</td> <td>7.49sqm (Paved area and brick edging)</td> <td>5.9sqm (Flower bed)</td> <td>13.39sqm</td> <td>74.59sqm</td> </tr> <tr> <td>Proposed Plan</td> <td>41.7sqm (Asphalt hardstanding and doorstep)</td> <td>26.99sqm (Paved area, brick edging and perma-bound resin)</td> <td>5.9sqm (Flower bed)</td> <td>32.89sqm</td> <td>74.59sqm</td> </tr> </tbody> </table> <p>Table 1: comparison of existing, current and proposed layout</p>		Impermeable Hard Surface	Permeable Hard Surface	Permeable Garden Area	Total Permeable Area	Total Ground Area	Former Existing Plan	47.12sqm (Concrete hardstanding)	0sqm	27.47sqm (Grass area)	27.47sqm	74.59sqm	Current Plan	61.2sqm (Asphalt hardstanding and doorstep)	7.49sqm (Paved area and brick edging)	5.9sqm (Flower bed)	13.39sqm	74.59sqm	Proposed Plan	41.7sqm (Asphalt hardstanding and doorstep)	26.99sqm (Paved area, brick edging and perma-bound resin)	5.9sqm (Flower bed)	32.89sqm	74.59sqm
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<p>4.0</p>	<p>Planning Policy and Other Material Considerations</p>																								
<p>4.1</p>	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>																								
<p>4.2</p>	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>																								
<p>4.3</p>	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>																								
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<p>4.5</p>	<p>Relevant Planning History There is no planning history relevant to this application.</p>																								

5.0	Consultations and Representations
5.1	<p>Statutory Consultations DfI Roads – No objection subject to condition.</p> <p>Representations</p>
5.2	A total of 7 representations have been made by the neighbour at No. 40 Hillhead Avenue who objects to the application. The issues raised are addressed further in the report.
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.2	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.
6.3	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.
6.4	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.
6.5	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <ul style="list-style-type: none"> • DES1 – Design • RD2 – Residential Extensions & Alterations • ENV1 – Environmental quality • ENV2 and ENV3 – Mitigating and Adapting to Environmental Change • ENV5 – Sustainable Drainage Systems (SuDS) • TRAN6 – Access to public roads
6.6	<p>Proposals Maps – 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, other than policies that relate to Sprucefield, which remain contentious.</p>

	<p>Referral route</p>
6.7	<p>The application is referred to the Committee at the request of Councillor Collins who refers to the representations from the neighbour, including concerns about drainage and surface-water run-off.</p>
	<p>MAIN ASSESSMENT</p>
	<p>Key Issues</p>
6.8	<p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Design and impact on the character of the area • Impact on neighbouring amenity • Road Safety & Car Parking • Sustainable drainage systems (SuDS)
	<p>Design and impact on the character of the area</p>
6.9	<p>Policy DES1 states that planning permission will be granted for new development that is of high quality, sustainable design that makes a positive contribution to placemaking by responding positively to local context and character.</p>
6.10	<p>Policy RD2 states that planning permission will be granted for extensions or alterations to an existing residential property 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>
6.11	<p>The total area of the open space at the front of the property measures approximately 8.42m wide and 8.86m in length from the front to the public footpath. The proposed driveway alterations take the form of replacing the existing hard surface of concrete with a layer of asphalt measuring 40.74sqm. The use of asphalt for the covering of a driveway is considered an acceptable and appropriate material finish which would not detract from the character of the established residential area.</p>
6.12	<p>There is an area of proposed paving along the front elevation of the property which measures approximately 6.3sqm. The area of paving is considered an acceptable material finish appropriate to the use of the site and does not detract from the character of the area.</p>
6.13	<p>There is a proposed permeable area (perma-resin) measuring approximately 19.5sqm. This finish is considered acceptable and would not detract from the character of the wider area. There is also a brick paver edge to part of the surround of the front driveway which measures approximately 1.19sqm. Within the wider area the hard surfacing of residential properties is varied in form and can consist of a mix including asphalt, concrete, brick paving, stone. Perma-resin is a material whilst not predominant in use is an accepted material finish for use in a residential driveway. (Refer to table as per paragraph 3.2 above)</p>

6.14	<p>Although paragraph 4.3.46 of the SPG states that the use of an entire garden area to provide car parking will not be acceptable, in this instance, the property benefits from an area of private amenity space to the rear and private amenity would not be affected. A flower bed area would be retained at the front of the property. Part of the boundary wall remains and provides a definition between the public realm and private property along with the brick paving along the access to the site adjoining the public footpath. There is existing precedence in the area and wider city for similar widening of driveways and creation of hardstanding and it is accepted that the provision of additional car parking spaces within the curtilage of a dwelling may decrease the requirement for on street-parking. On balance there is a mix of material finishes being used and, SuDS measure which will be discussed below, are included as part of the overall proposal.</p>
6.15	<p>The proposal is considered to comply with Policies DES1 (design) and RD2 (residential extensions and alterations), and relevant provisions of the SPPS.</p>
	<p>Impact on Neighbouring Amenity</p>
6.16	<p>Policy DES1 states that planning permission will be granted for new development that is of high quality, sustainable design that makes a positive contribution to placemaking by responding positively to local context and character, ensuring no undue effect on the amenity of neighbouring properties or public spaces by minimising the impact of overshadowing and loss of daylight; and ensuring that on-site vehicle parking provision and movement, does not have a negative impact at street level.</p>
6.17	<p>It is apparent from the site inspection that although the asphalt has been laid over the existing concrete, the material surface finish has not been raised to a level whereby it would cause a detrimental impact on neighbour amenity. A typical asphalt installation is approximately 50mm and this would appear consistent when viewed in light of the height of the doorstep, which is consistent with the previous doorstep height. The topography of the site naturally slopes towards the public footpath and road, with the public road level also sloping naturally downwards in a north-easterly direction. Due to the natural topography of the area and given that there was a former existing area of hardstanding, there has been natural water run off to an extent from this property, as would be the situation in the wider area.</p>
6.18	<p>The works as carried out created a larger area of hardstanding than was originally there. Formerly the hardstanding to the front of the property was impermeable concrete, an area of approximately 47sqm with a permeable garden area of approximately 27sqm. The works as carried out created a total area of impermeable hardstanding of approximately 61.2sqm, except for the 6.3sqm area of permeable paving, the 1.19sqm area of brick pave edging and a flower bed measuring approximately 5.9sqm totalling 13.39sqm of permeable area; a reduction in permeable area of approximately 14.08sqm.</p>

6.19	<p>One of the concerns raised by the objector is drainage and surface run-off onto the road and their property. The works as carried out do not include sufficient SuDS measures or drainage for additional run-off from the increased area of hardstanding. As set out in Table 1, amendments have been made which propose as an asphalt area of approximately 40.74sqm, a permeable area of approximately 19.5sqm, a paved area of approximately 6.3sqm, permeable brick paving edging of approximately 1.19sqm and a flower bed of approximately 5.9sqm. The total impermeable area is approximately 41.7sqm, representing a reduction of approximately 5.42sqm of total impermeable hard surface from the existing (original) surface covering. Total permeable area is approximately 32.89sqm which represents an increase in permeable surface finish from the previous existing situation by approximately 5.42sqm.</p>
6.20	<p>The works as proposed are therefore represent a net gain in permeable space to the front of the property from what was formerly. The inclusion of Perma-Resin is accepted as a permeable material finish and in line with paragraphs 4.3.47 of the SPG which states that any loss of permeable ground must be mitigated. In terms of impact to amenity, there would be no increase in water run off-from former existing situation as the total permeable area has increased by way of the amended proposal. Additionally, there is storm drain on the public highway which surface water already drains into .The proposal represents a net decrease in impermeable surface finish to the site and is therefore considered acceptable, as betterment from the former existing situation.</p>
6.21	<p>It is considered that there would be no other adverse impacts on amenity.</p>
6.22	<p>The proposal is considered to comply with Policies RD2 (residential extensions and alterations), ENV2 (mitigating environmental change), ENV3 (adapting to environmental change), and ENV5 (sustainable drainage systems (SuDS), and relevant provisions of the SPPS.</p>
<p>Road Safety & Car Parking</p>	
6.23	<p>Policy TRAN6 states that planning permission will be granted for a development proposal involving intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of road users.</p>
s6.24	<p>The widening of the driveway allows for the parking of additional cars within the curtilage of the dwelling. The previous hardstanding could have accommodated up to 2 cars and the proposed hardstanding would potentially allow for the parking of 3 cars safely. The driveway is an existing access and egress point onto a public highway, crossing a public footpath. Dfl Roads are the relevant statutory authority for issues of road safety when it comes to any development proposal. Dfl Roads have been consulted and do not raise any issue with regards to road safety and offer no objection to the widening of the driveway or the creation of hardstanding, subject to conditions.</p>

6.25	<p>In line with DfI Creating Places & Parking Standards a semi-detached house should have 1 in-curtilage space provided and requires provision for 2.25 car parking spaces which can include on-street parking. This proposal would increase off-street provision and would result in the potential for less on-street parking/parking on the footpath. According to Parking Standards the standard space requirements for a car is 2.4m x 4.8m. There is sufficient space on site to allow for the safe parking and manoeuvring of three cars. Car parking is considered conducive and ancillary to the use of the dwelling and the hard standing as proposed does not pose a road safety issue.</p>
6.26	<p>In terms of the proposed widening of the access, regard is also had to Class B of Part 3 (Minor Operations) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, which permits the alteration of an access onto an unclassified road, where that access is required in connection with development permitted by any class (other than Class A of Part 3).</p>
6.27	<p>The proposal complies with TRAN6 (access to public roads) and relevant provisions of the SPPS.</p>
<p>Sustainable Drainage Systems (SuDS)</p>	
6.28	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environment change and reduce GHG by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change including promoting and including SuDS measures. Policy ENV5 states that all built development should include where appropriate SuDS measures to manage surface water effectively on site to reduce surface water run-off and ensure flooding is not increased elsewhere.</p>
6.29	<p>The introduction of increased permeable areas compared to the existing (original) situation has been described earlier in the report. The proposal includes an open flowerbed area, permeable paving and permeable resin surface finish covering an approximate area of 31.7sqm as described in Table 1. The provision of these SuDS measures results in a net gain of permeable ground covering and therefore is considered compliant with the above policies.</p>
6.30	<p>The proposal complies with Policies ENV2 (mitigation environment change), ENV3 (adapting to environmental change) and ENV5 (sustainable drainage systems (SuDS)), and relevant provisions of the SPPS.</p>
<p>Representations</p>	
6.31	<p>A total of 7 representations have been made by the neighbour at No. 40 Hillhead Avenue who objects to the application.</p>
6.32	<p>The following areas of concern have already been addressed in the report:</p> <ul style="list-style-type: none"> • Surface water drainage and flooding non-compliance due to steep and slanted gradient/slope

	<ul style="list-style-type: none"> • Highway and pedestrian safety risks • Harm to residential amenity and street character
6.33	<p>The other points of objection are addressed as follows.</p> <p><i>Unauthorised works:</i></p>
6.34	<p>The application seeks part retrospective planning permission for some of the works already undertaken. However, this has no bearing on the assessment of the application which should be considered as if the works have not already taken place.</p> <p><i>Previous widening of driveway:</i></p>
6.35	<p>Any works previously carried out without the benefit of planning permission is a matter for the Council's planning enforcement processes. Regardless, this application deals with what is now being proposed.</p> <p><i>Enforcement issues:</i></p>
6.36	<p>The issue of planning enforcement is a separate consideration.</p> <p><i>Fails building regulations:</i></p>
6.37	<p>Building regulations are not a planning consideration; it is for the applicant to ensure all works are carried out in compliance with any relevant building control requirements. In relation to drainage and gradients this has been addressed as detailed in the above assessment.</p> <p><i>Dfl Roads intervention to footpath:</i></p>
6.38	<p>Works to the footpath do not fall under the remit of this planning application, which only relates to proposals within the red line of the site location plan. Works to the public footpath are a matter for Dfl Road.</p> <p><i>Brick paver edging to driveway entrance:</i></p>
6.39	<p>These features are level with the ground covering within the site and where they adjoin the public footpath. Dfl Roads have not raised any concerns in this regard. The typical asphalt installation is a depth of 50mm. It is not considered that their installation is of detriment compared to the previous situation. There was an existing sloping driveway due to the topographical nature of the site and wider area and it remains a sloping site.</p>

	<i>Longitudinal fall and crossfall slant:</i>
6.40	The driveway slope naturally runs towards the road. The area of asphalt where the garden area was previously and where the new area of perma-bound resin is to be placed, has a lesser slope. Officers are satisfied from having visited the site that the driveway slope runs towards the road and is not slanted any more towards neighbouring property than what would have been previously existing as the public road and topography of the land runs downward towards No.40 Hillhead Avenue.
	<i>Representation of issues relating to Dfl Roads consultation response:</i>
6.41	The objector copied correspondence to Dfl Roads to the Council, including rebuttal of Dfl Road's response. This rebuttal has been formally considered by Dfl Roads as part of the application process, and it remains of the opinion that the proposal is acceptable. The issues raised have been addressed as part of the assessment above.
	<i>Cars parking in an unsafe a manner:</i>
6.42	The proposed extended hardstanding provides sufficient space for three cars. If a car is parked in an unsafe manner or causing an obstruction outside the site, it is a matter for PSNI and/or Dfl.
	<i>Issue with classification of what is new development:</i>
6.43	The proposal for the Council relates to the area to the front of the house as indicated on the submitted plans.
	<i>Issue relating to overlay of perma-resin and quarry dust base:</i>
6.44	There is no evidence that the proposal would give rise to unacceptable impacts in this regard.
	<i>Issue of side-driveway not included on plans:</i>
6.45	A small area of approximately 3 sqm at the back of the drive and next to the side gable of the house does not form part of the proposals and therefore is not required to be assessed. Regardless, there would still be a net reduction of impermeable surfacing within the site.
	<i>Planning policy and permitted development:</i>
6.46	Paragraph 4.3.46 of the SPG has been addressed in the assessment above.

<p>6.47</p> <p>6.48</p> <p>6.49</p> <p>6.50</p> <p>6.51</p>	<p><i>Environmental Issues:</i></p> <p>There is no evidence to suggest that use of the driveway for domestic purposes would give rise to issues of pollution. It should be noted that all driveways and all cars may well have and contain deposits such as detergents, oil and dust and it falls outside the remit of planning control. Any issue or evidence of pollution risk should be directed to the relevant authority.</p> <p><i>Moss & Algae growth:</i></p> <p>The growth of moss and algae on the neighbour's property due to surface water run-off is not a planning consideration.</p> <p><i>Other matters:</i></p> <p>Other submissions were made to the council, however, these were not in the form of public representation and having been noted, there were no further material planning considerations raised than from that already considered.</p> <p>A number of site photos and videos of site conditions were submitted and reviewed. These have been considered and officers are content that water run-off from the site was previously existing due to the topography of the land. There is a drain on the public highway for which DfI Roads is responsible for and which surface water can drain into. The proposal reduces non-permeable areas and the inclusion of SuDS measures as previously described.</p> <p>Having considered all relevant concerns noted in the representations, officers are satisfied that the proposal complies with planning policy and that there are no material considerations that indicate that planning permission should be refused.</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p>	<p>Recommendation</p> <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> <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 which may arise.</p>

DRAFT 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. The hardstanding hereby permitted shall include permeable surfacing as shown on approved drawing no. 05C uploaded to the NI Planning Portal on the 28th April 2026 and as per the approved specification (Perma-bound resin) and shall remain as such at all times.

Reason: To ensure sustainable drainage of the site in accordance with SuDS principles

3. The approved hardstanding area shall not be used for any purpose other than for parking and movement of vehicles in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.