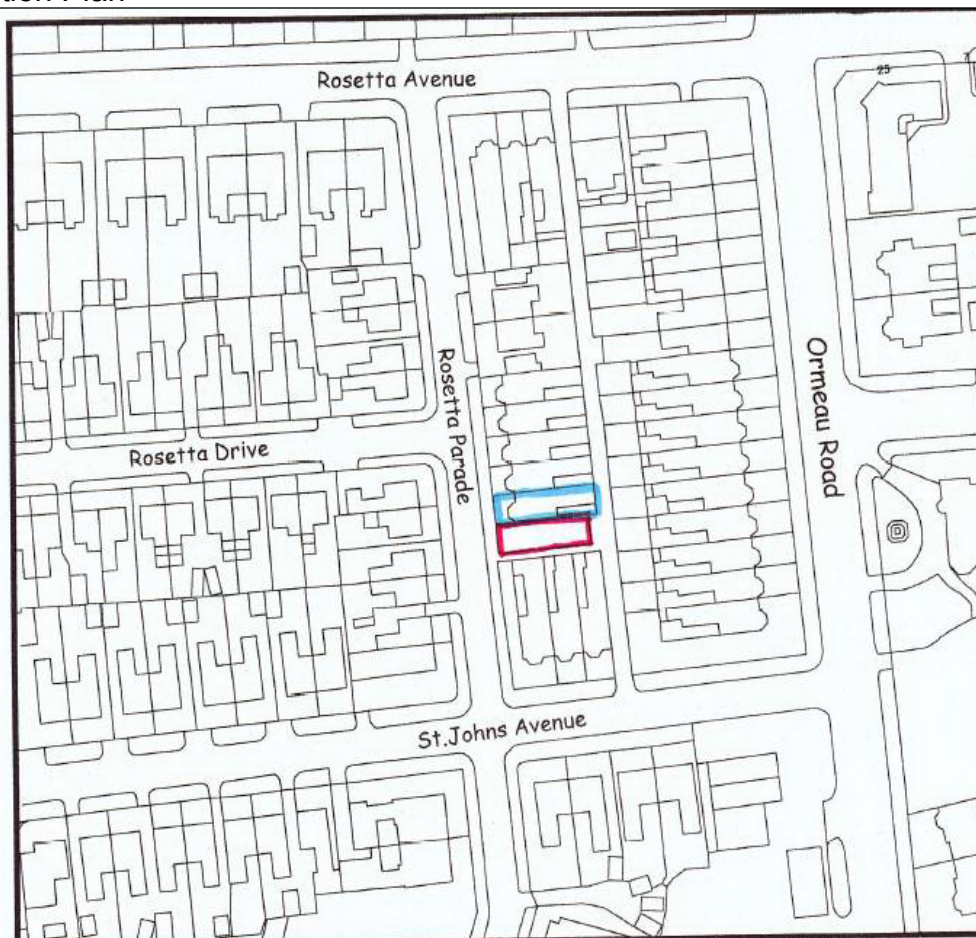


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 26 July 2016	Item Number: 7i
Application ID: LA04/2015/1271/F	
Proposal: Proposed three storey dwelling	Location: Site adjacent to No. 14 Rosetta Parade Belfast BT7 3HJ
Referral Route: Request by Cllr Michael Long	
Recommendation:	Refusal
Applicant Name and Address: Mr B Rice 2 Mourne Gardens Castlewellan BT31 9BY	Agent Name and Address: Urban Dynamics 46 Scaddy Road Crossgar Downpatrick BT30 8BP
<p>Executive Summary:</p> <p>The application seeks permission for a three storey dwelling.</p> <p>Area Plan The site falls with the Rosetta Area of Townscape Character (BT049).</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> • If the proposal sympathetic to the Rosetta Area of Townscape Character • If the proposal sympathetic to the existing built form • If the proposal unduly affects the privacy or amenity of neighbouring residents • Planning history (previous approvals for similar scheme) <p>Ten representations/objections were received. The issues raised by objectors and rebuttal points by the applicant are considered in the case officer's report.</p> <p>The Council's Conservation Officer, Transport NI, Environmental Health Unit and NI Water were consulted and have no objections.</p> <p>The proposed dwelling is considered unacceptable as it would adversely impact on the residential amenity of neighbouring properties by virtue of dominance and loss of light.</p> <p>It is recommended that the application is refused.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	The application is for the erection of a 3 storey dwelling. The proposed development comprises the addition of a dwelling to the five existing dwellings in the terrace. Two previous approvals have been granted for a dwelling on the site.
2.0	Description of Site
2.1	The site is located adjacent to no.14 Rosetta Parade, off the Ormeau Road in South Belfast. It is currently occupied by a large single storey garage and a vacant side garden to no.14. The site falls within Area of Townscape Character 049 – Rosetta.

Planning Assessment of Policy and other Material Considerations

3.0	Site History
3.1	Z/2002/2526/F - Adjacent to 14 Rosetta Parade - Erection of terrace house - PERMISSION GRANTED - 19.02.2003
3.2	Z/2008/0685/F - Ground adjacent to 14 Rosetta Parade - Erection of 2.5 storey terrace house - PERMISSION GRANTED - 11.08.2008 (expired 11.08.2013 – current application)

	submitted 22.09.15)
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015 Planning Policy Statement 6 (Addendum) - Areas of Townscape Character Planning Policy Statement 7 (Addendum) - Residential Extensions and Alterations
5.0	Statutory Consultee Responses
5.1	None
6.0	Non Statutory Consultee Responses
6.1	Belfast City Council Conservation Officer – No objection Transport NI – No objection Belfast City Council Environmental Health Unit – No objection NI Water – No objection
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. Ten comments have been received. Issues raised in objections are as follows:
7.2	<ul style="list-style-type: none"> • Loss of privacy due to windows directly overlooking the back yards of properties to rear of site • Potential to promote nuisance/crime due to narrowing of alleyway • Exacerbation of issues such as traffic, street safety, and parking • The proposal is contrary to PPS7 QD1 in that it is not a significant gap site • Dominance - the proposal would result in a substantial gable being located less than 2m from the rear year of no.3 St John's Avenue; • Failure to notify neighbours • Possible potential for use as a House of Multiple Occupation • Reduction in direct and indirect sunlight and overshadowing • Density and crowding – the proposal is 'shoe-horning' an opportunistic property • Construction impacts – the construction impact of this development would be entirely unacceptable
7.3	The applicant submitted a rebuttal report Response to the objection points raised under the following headings: <ul style="list-style-type: none"> • Loss of privacy • Dominance • Loss of natural light • Increased likelihood of nuisance or crime • Traffic/street safety
7.4	The issues raised above are addressed in the assessment below.
8.0	Other Material Considerations
8.1	The site has two previous approvals for similar dwellings (see above).
9.0	Assessment

9.1	PPS 7 Addendum 'Safeguarding the quality of Established Residential Areas' sets out the Council's planning policy for achieving quality in new residential development.
9.2	<p>Policy QD 1 of PPS 7 (Addendum) states that the design and layout of residential development should be based on an overall concept that draws upon the positive aspects of the character and appearance of the surrounding area. It states that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires proposals for such development to meet all of a number of listed criteria.</p> <ul style="list-style-type: none"> (a) Criterion (a) states that new development should respect the surrounding context and should be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and structures and landscaped and hard surfaced areas. Planning approval for an almost identical scheme was approved under Z/2008/0685/F approximately 6 years ago. The new dwelling will maintain the environmental quality, local character and privacy of existing residents, creating a safe environment with clearly defined private space and appropriate garden & amenity space identical to the neighbouring dwellings forming Rosetta Parade. A distinct building line along Rosetta Parade is maintained whilst the proposed width and roof line reflect the neighbouring terrace dwellings. As the proposed design is very similar to the existing row of dwellings it is in keeping with the surrounding area. (b) The proposal will not result in any harm to features of the archaeological or built heritage. There are no significant landscape features in need of protection. (c) Criterion (c) requires that any proposed development allows for the adequate provision of private amenity space. There are no proposals for extensive landscaping to be carried out as the existing rear and side yards to neighbouring dwellings are enclosed with either 2m high timber fencing or facing brick walls, similar to the proposed scheme. The small front garden (identical to the adjacent dwellings) will contain a paved pathway from Rosetta Parade and a small grass area, as per the Site Layout Plan. (d) As a proposal for a single dwelling there is no onus on the developer to provide neighbourhood facilities. (e) A movement pattern must be provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. Level access will be created to the dwelling via specific levelling of the hard surfaces on the approaching footpath. The site is completely urban, hence the adjacent Rosetta Parade is of sufficient width to allow emergency vehicles and delivery lorries, etc, to park, enter, turn and exit without any difficulties. All hard surfacing, paths and building entrances will be fully compliant with Building Regulations Part R (Disability Access). The proposal therefore complies with this criterion. (f) Adequate and appropriate provision is made for parking. On street car parking is appropriate in this urban context as a parking survey has been carried out and the results confirm the availability of spaces along Rosetta Parade, thus reflecting the surrounding provision. Transport NI was consulted and offered no objection (with the attachment of a condition and informatives). The parking survey submitted was compliant with the requirements of Transport NI and is considered sound and acceptable. In response to objections to the timing and quality of the survey Transport NI provided the following comment: "The parking survey supplied by the applicant satisfied Transport NI in that it shows an availability of parking

spaces within a reasonable distance from the application site. The survey was undertaken over a period of 1 week, both in mornings and evenings. On each occasion sufficient spare parking capacity was demonstrated as being available. If we ignore the 2 pictures taken outside the suggested peak residential parking periods (between 7pm and 7am), all others are sufficient. Transport Ni is satisfied with the evidence supplied in relation to the parking and our opinion in reply dated 17/2/16 is still applicable.”

- (g) The design of the development draws upon the best local traditions of form, materials and detailing; As highlighted above the design of the proposed dwelling is considered to be in keeping with the surrounding area.
- (h) Criterion (h) requires that development proposals do not create conflict with adjacent land uses or give rise to adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise and other disturbance.
 - Overlooking: The gable elevation of the proposed dwelling adjacent to No.14 Rosetta Parade will contain 4no. windows, two of which belong to Bedrooms while two of which will contain obscure glass as they facilitate light into Bathrooms. The location of the proposed Bedroom windows within the gable wall will not create a loss of privacy or overlook the rear yards to Nos.1,3 & 5 St John's Avenue as they have been positioned to line up with the rear gables of the 2.5 storey high extensions which all but fill the rear yards of the aforementioned homes.
 - Loss of light/overshadowing: The dwellings on St John's Avenue are orientated to the south, they receive natural light on the eastern gable, main frontage and western gable/rear yards during the morning, afternoon and evening respectively, with the rear yards being in constant shadow throughout the entire day due to the height of surrounding boundary walls/fencing, etc. Window openings within the existing rear extensions of Nos.1,3 & 5 St John's Avenue are orientated entirely to the east, relying on the afternoon/evening sun for natural light, hence the proposed dwelling to the north will not create a loss of light given its location. Shadow from the proposed new dwelling will only fall to the north, affecting the proposed rear yard only. As regards non-direct light, the proposed gable end will have a considerable impact on the rear of no.3 St John's Avenue. A site visit carried out involved visiting this property and assessing the impact of the proposal on light getting into the rear yard and rear windows of no.3. While it is the case that the rear of the property is already affected by the gable of no.14 Rosetta Parade the proposal willacerbate this.
 - While issues of potential overlooking and direct overshadowing can be dismissed as set out above, the issue of dominance of the proposed gable over the rear of the adjacent properties along St John's Avenue is a key concern. While reference was made to dominance in the previous approvals it is not considered that adequate assessment was given to the issue. Site visits to view the proposal from within the boundary of no.3 St John's Avenue were carried out by myself and a Principle Planner and it is considered that the proximity of the proposed gable will have a negative impact on the residential amenity of the adjacent properties 1, 3 and 5 Rosetta Parade by virtue of over-dominance and loss of light. It is therefore considered that the proposal is contrary to criterion (h) of QD 1

9.3

PPS 7 Addendum Policy LC1 is also relevant in the assessment of this application: Protecting the local character, environmental quality and residential amenity. As a single dwelling has already been approved on the site there is no additional increase in density

9.4	<p>and environmental quality of the area will not be further eroded.</p> <p>The proposal falls within Rosetta Area of Townscape Character in BMAP 2015 – Designation BT 049 – Rosetta (Part 4 Volume 2 – Belfast). Our ATC Officer was consulted. A summary of his points are as follows:</p> <ul style="list-style-type: none"> • “In my opinion the proposed plot/footprint to one space ratio to be created would be reasonable/acceptable in the context of the terrace adjacent. The existing dwelling is left with a plot size/footprint to open space ratio identical/similar to those of the terrace adjacent and therefore remains consistent with local/immediate context. • “The context is one of terraces dwellings with semi detached opposite. The dwellings are faced in red brick and render with pitched slated and red tile roofs. There is generally a high solid to void and verticality of bays and openings – in terms of proportion. Roofscapes feature silhouettes broken by gables, lucarnes and chimneys. Facades are modulated with projecting gabled bays, and bay windows (canted and bowed) • “The proposed dwelling will replicate the form of the dwellings to the terrace adjacent – canted bay window, string coursing, eaves, proportion of windows etc. The corbels enclosing the eaves to the existing terrace will be retained. • “The proposal will obscure a view from Rosetta Parade of the steeple of St John’s Church; however this is balanced by the fact that it will screen the rears of the terraces along the Ormeau Road. Given the above there is no objection from a conservation viewpoint.”
9.5	<p>The Council’s Environmental Health Unit was consulted and offered no objection (with the attachment of informatives). Reference was made to the issue of air quality but no requirements were made as regards measures to be taken.</p>
9.6	<p><u>Comparison with previous approval Z/2008/0685/F:-</u> The current application has a footprint measuring 11m from front to rear and 5.8m wide. Its rear return is 4.6m long and 4m wide. The main roof height is 10.7m with the rear return height 6.7m, similar to the adjacent dwelling. The gable has a first floor en suite window and the rear return has two first floor side bedroom windows. The previous dwelling approved had a footprint 9.4m long from front to rear and 5.8m wide. It had a rear return footprint 7.8m long and 4m wide. The height of the main part of the building and return was the same as the adjacent dwelling. The gable wall had one first floor en suite window and the rear return had two bedroom windows. While the policy has not changed since this approval was granted it is not considered that the issue of dominance was adequately assessed. One of the objectors raised the point that no site visits had previously been carried out to view the potential impact of the proposal from their property. Following site visits to view the proposal from within the boundary of no.3 St John’s Avenue by myself and a Principle Planner, it was clear to envisage the dominant affect of the proposed gable, it being a three storey structure 2m away from the rear boundary wall of the adjacent properties.</p>
9.7	<p>As regards failure to notify the property at no.559 Ormeau Road of the application, ‘neighbouring land’ is defined as ‘land which directly adjoins the development site or which would adjoin it but for an entry or road less than 20m in width.’ No.559 does not directly adjoin the proposal site and all properties which do were notified. Neighbour notification was therefore carried out in accordance with requirements.</p>
9.8	
9.9	<p>NI Water was consulted and offered no objection (with conditions).</p>
	<p>Taking into consideration all of the factors in this proposal it comes down to judging</p>

	<p>whether it is considered acceptable. While it is felt that the proposal meets most of the relevant policy requirements for a new dwelling it does not comply with criterion (h) of policy QD 1 of Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas. For this reason I consider the proposal unacceptable and recommend refusal.</p>
10.0	Summary of Recommendation: Refusal
11.0	Reason for refusal
11.1	<p>The proposal is contrary to criterion (h) of policy QD 1 of Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas – in that the development would cause and adverse effect on neighbouring properties in terms of unacceptable dominance.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representations from Elected members:
13.1	<p>A request for the application to be brought to the Planning Committee was received from Cllr Long.</p> <p>A request was also received from Cllr McAteer for an office meeting to be arranged with objectors. This meeting occurred, Cllr McAteer took no part in the meeting.</p>

ANNEX

Date Valid	27 October 2015
Date First Advertised	13 November 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier 1 St. Johns Avenue, Ballynafoy, Belfast, Down, BT7 3JE The Owner/Occupier 11 Rosetta Parade, Ballynafoy, Belfast, Down, BT7 3HJ The Owner/Occupier 13 Rosetta Parade, Ballynafoy, Belfast, Down, BT7 3HJ The Owner/Occupier 14 Rosetta Parade, Ballynafoy, Belfast, Down, BT7 3HJ The Owner/Occupier 3 St. Johns Avenue, Ballynafoy, Belfast, Down, BT7 3JE The Owner/Occupier 5 St. Johns Avenue, Ballynafoy, Belfast, Down, BT7 3JE The Owner/Occupier 555 Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 3JA The Owner/Occupier 557 Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 3JA	
Date of Last Neighbour Notification	28 March 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01 – Site location map and proposed elevations and floor plans 02A – Existing and proposed elevations and floor plans	