

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 January 2017	
Application ID: LA04/2016/0828/F	
Proposal: Demolition of existing property and replacement with dwelling and detached garage.	Location: 27 Newforge Lane Belfast BT9 5NU
Referral Route: Applicant Belfast City Council employee	
Recommendation:	Refusal
Applicant Name and Address: Mr & Mrs Gavin Briggs 36 Deramore Drive Belfast BT9 5JR	Agent Name and Address: HLM Causeway Tower 10th Floor 9 James Street South Belfast BT2 8DN
<p>Executive Summary:</p> <p>The application seeks permission for demolition of existing property and replacement with dwelling and detached garage.</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> • Demolition and new development in Malone Conservation Area • Impact on the privacy and amenity of neighbouring residents <p>The site falls within the Malone Conservation Area (Sub Area M - Bladon/Deramore/New Forge)</p> <p>The proposal has been assessed against the SPPS, Planning Policy Statement 3, 6, 7, and supplementary planning guidance – Malone Design Guide, Creating Places, Parking Standards, DCAN 8 and 15.</p> <p>The Council considers the existing dwelling makes a material contribution to the character and appearance of the Conservation Area and therefore the demolition is unacceptable. The proposed replacement scheme is considered not to be equal to or greater than the existing dwelling, therefore it is considered the new development will result in harm to the Malone Conservation Area.</p> <p>The Council's Conservation Officer was also consulted and objected. It is recommended that the application is refused subject to the refusal reasons set out in the report.</p> <p>One objection has been received</p> <p>Transport NI, NI Water and BCC Environmental Health were consulted and there were no objections.</p>	

Case Officer Report

Site Location Plan

**Characteristics of the Site and Area**

1.0	<p>Description of Proposed Development</p> <p>The proposal is for the demolition of an existing dwelling and the erection of a replacement residential property and detached garage.</p>
2.0	<p>Description of Site</p> <p>The site is located at no.27 Newforge Lane, off the Malone Road in South Belfast. It consists of a large detached residential property. The site falls within the Malone Conservation Area.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History</p> <p>Z/1975/0776 - 27 NEWFORGE LANE - ERECTION OF BUNGALOW - PERMISSION REFUSED</p> <p>Z/1983/0814 - 27 NEW FORGE LANE - EXTENSION TO DWELLING AND ERECTION OF GARAGE - PERMISSION GRANTED</p> <p>Z/1985/1812 - 27 NEWFORGE LANE - CHANGE OF USE OF GARAGE AND UTILITY ROOM TO PLAYROOM - PERMISSION GRANTED</p>
4.0	<p>Policy Framework</p> <p>Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement</p>

	<p>Planning Policy Statement 6 - Planning, Archaeology and The Built Heritage Planning Policy Statement 7 - Quality Residential Environments Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Area DCAN 8 - Housing In Existing Urban Areas</p>
5.0	Statutory Consultee Responses
	DRD Transport NI
6.0	Non Statutory Consultee Responses
	<p>BCC Environmental Health BCC Conservation Officer NI Water</p>
7.0	Representations
	<p>The application has been neighbour notified and advertised in the local press. One comment has been received. The objection came from the resident of no.29 Newforge Lane. A summary of the representation is as follows:</p> <ul style="list-style-type: none"> • The proposed demolition would be in breach of the Malone Conservation Guide guidelines <p>The objection is dealt with in the assessment below.</p>
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	<p>Strategic Planning Policy Statement for Northern Ireland</p> <p>Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 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. The general presumption against conservation area consent for demolition of unlisted buildings should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
9.2	<p>Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage</p> <p>The policy test for demolition in the Conservation Area is set out in BH 14. - Belfast City Council will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. For buildings in a Conservation Area, there is a policy which operates in presumption in favour of retaining buildings which make a positive contribution. In assessing proposals Belfast City Council will have regard to the same broad criteria outlined above for the demolition of listed buildings (Policy BH 10 of PPS 6). As set out below.</p>
9.3	<p>A - 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.</p>

	<p>B - The adequacy of efforts made to retain the building in use.</p> <p>C - The merits of alternative proposals for the site.</p> <p>Belfast City Council's Conservation Officer has made the following comments regarding the existing dwelling: - <i>The existing dwelling, known as Silver Quay, designed in 1933 by W.D.R Taggart is a two storey, three bay dwelling to an unusual plan. It features various architectural influences reflecting its interwar era of construction. It is considered that the existing building makes a significant contribution to the architectural and historic interest/character and appearance of the area through age, style and materials and by partly ascribing the historic development of Bladon/Deramore/New Forge Sub Area. It contributes to legibility – i.e. the reading of the area as a suburban interwar suburb comprising development of individual designed dwellings. The proposal to demolish the buildings appears to be contrary to PPS 6 Policy BH 14 in that the buildings make a positive, material contribution to the character and appearance of the conservation area. None of the criteria of para 6.25 appear to have been applied to justify demolition.</i></p>
9.4	With regards Criteria A of the policy test of BH10 (above), the applicant has submitted, as part of the submission the cost of modernisation (£828,000) and that of replacement (£600,000) – a difference of £228,000. However, no building condition survey has been submitted as part of the proposal.
9.5	With regards criteria B and C, there is no change of residential use proposed so these criteria are not applicable.
9.6	<p>New Development within the Conservation Area</p> <p>In accordance with PPS 6 Policy BH 12 replacement buildings should enhance the character and appearance of the Malone Conservation Area and be in sympathy to the characteristic built form. New development should respect its context in terms of massing, scale, elevational appearance, materials and quality. The general objective is to be sensitive to the surrounding built heritage and characteristic built form. New development should therefore seek to reinforce character - the special architectural or historic qualities of the area that provide its legible character.</p>
9.7	The proposed replacement is a three storey, three bay building with a stated mix of modernist, classical and Arts and Crafts influences. There is no general objection to the scale or massing of the proposal. There are examples of gable fronts addressing the public highway in the area. Materials would generally be natural stone and render for walls and slate for roofs. Aluminium would be used for windows and doors.
9.8	<i>The Conservation Officer has made the following comments: - Although the building picks up on some of the contextual cues of the immediate context – gabled form, materials, solid to void, there is generally something of an alien horizontality to the proposed buildings form as ascribed by openings. The dwelling ascribes something of a 1970s ethic stylistically and chronologically out of character with the area.</i>
9.9	It is considered the proposed replacement scheme is of a design which will not reinforce the characteristics of this sub area of the Conservation Area and therefore will not maintain or add to the character as required by policy and legislation.
9.10	<i>The applicant has argued that the existing dwelling does not make a positive contribution to the Conservation Area and therefore it can be demolished. The existing dwelling, they claim has been altered in the past with extensions and alterations which have eroded its character and now detract from the Conservation Area.</i> - This point has been considered

	<p>by Planning Service, who maintain the dwellings still makes a positive contribution to the conservation area and the proposed replacement is not of the same quality as the existing dwelling. Most buildings of a certain age will have been altered / extended over time – these do not lessen their architectural / historic interest.</p>
9.11	<p><i>In addition the cost of repair vastly exceeds the cost of replacement.</i> – the cost of repair is of insufficient weight to warrant the loss of the building</p> <p><i>There are limited views of the dwelling due to the existing vegetation of the site which is to remain.</i> - The Malone Design Guide makes clear that restricted views of a dwelling does not detract from their contribution to the character and appearance of the Conservation Area.</p>
9.12	<p><i>The SPPS imposes a general presumption against demolition of unlisted buildings in CAs where proposals would conflict with enhancing the character and appearance of a CA; by definition therefore, the general presumption against demolition no longer applies where the preservation or enhancement principles are met. It is considered the design of the new dwelling will not only preserve the character and appearance of the Malone Conservation Area but it will enhance it.</i> – Planning Service consider the test is twofold in that demolition will only be permitted where the building makes no material contribution. It has not been demonstrated that this is the case. Secondly, the replacement scheme is not sufficient to be of a design which is an improvement on the existing dwelling and therefore feels to meet the test of BH 12.</p>
9.13	<p><u>Conclusion of PPS 6 consideration.</u> It is considered that the loss of the existing building balanced against the replacement results in harm to the distinctive character of the Malone Conservation Area. Policy BH14 will only permit the demolition of unlisted buildings where they make no positive contribution. It is considered that the existing building makes a significant, positive contribution to the character and appearance/architectural and historic interest of the Conservation Area.</p>
9.14	<p>In addition, the contribution of the proposed development to the character and appearance of the Conservation Area will not be equal to or greater than the existing building; the proposed development would result in harm to Malone Conservation Area.</p>
9.15	<p>Under Article 4 of the Planning (NI) Act 2011, there is a statutory duty/objective to enhance the character or appearance of the conservation area.</p>
9.16	<p>PPS7 - Quality Residential Environments – Policy QD1: Quality in New Residential Development -</p>
9.17	<p>Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.</p>
9.18	<p>All proposals for residential development will be expected to conform to all of the following criteria:</p>
9.19	<p><i>a) the development respects the surrounding context and is appropriate to the</i></p>

	<p><u>character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</u></p> <p>As above, the proposed replacement dwelling is considered to be acceptable in terms of scale and mass. It is to sit in roughly the same position on the site as the existing dwelling although it takes up more of a footprint. As regards landscaping, the proposal involves the removal of a number of trees and the construction of a driveway leading to a double garage to the rear boundary of the site.</p>
9.20	<p>b) <u>features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</u></p> <p>(see above assessment under PPS 6 with regard impact on Conservation Area)</p> <p>The proposed access to the detached garage to the rear will result in the loss of 6 mature trees along the boundary with No 25 which are indicated to be in fair to good health. The proposal will also require the removal of several mature trees within the garden also in fair condition. The loss of such a significant number of trees will have a detrimental impact on the character of this conservation area.</p>
9.21	<p>c) <u>adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;</u></p> <p>The proposal retains a large area of lawn to the rear and is to have a mixed native and non-native hedge around the boundary. Ornamental shrubs and semi-mature trees are also proposed around the site to provide soft landscaping features. No existing trees along the site's road boundary are impacted upon by the proposed dwelling</p>
9.22	<p>d) <u>adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</u></p> <p>The site is served by established neighbourhood facilities.</p>
9.23	<p>e) <u>a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</u></p> <p>The site is served by an established movement pattern.</p>
9.24	<p>f) <u>adequate and appropriate provision is made for parking;</u></p> <p>A double garage is proposed to the rear of the site; additional parking is possible on the proposed wide driveway to the front of the site.</p>
9.25	<p>g) <u>the design of the development draws upon the best local traditions of form, materials and detailing;</u></p>

9.26	<p>The area is a mix of house types and designs some of which are incorporated into the design of this dwelling.</p> <p><i>h) <u>the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</u></i></p>
9.27	<p>As the proposed replacement dwelling is detached and is to sit broadly in the footprint of the existing dwelling there will be no negative impact on the adjacent properties. Mature vegetation to the side of the property will be removed to facilitate a drive to the rear garage, however, where there are gaps, windows at first floor level are indicated as obscured therefore there is no overlooking concerns.</p> <p><i>i) <u>the development is designed to deter crime and promote personal safety.</u></i></p> <p>The proposal includes a secure boundary and entrance gates; there is no issue of potential loss of personal safety.</p>
9.28	<p>Also relevant to the proposed replacement dwelling is PPS 7: Addendum - Safeguarding the Character of Established Residential Areas - Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity: In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:</p>
9.29	<p><i>a) <u>the proposed density is not significantly higher than that found in the established residential area;</u></i></p> <p>As the proposal is for a replacement dwelling the existing density of the area will be retained.</p>
9.30	<p><i>b) <u>the pattern of development is in keeping with the overall character and environmental quality of the established residential area;</u></i></p> <p>This is the case with this proposal.</p>
9.31	<p><i>c) <u>all dwelling units and apartments are built to a size not less than those set out in Annex A.</u></i></p> <p>The proposed replacement dwelling is a large detached building which easily meets the space standards set out in Annex A.</p>
9.32	<p>DCAN 8 - Housing In Existing Urban Areas – provides guidance as regards New Housing in Established Residential Areas: Proposals for housing in established residential areas need to illustrate that they have taken the above design principles into account, clearly demonstrating an appreciation of the context, and reinforcing local character. This is particularly important in relation to:</p> <ul style="list-style-type: none"> • building lines; • boundary treatments; • scale of built form; and

<p>9.33</p> <p>9.34</p> <p>9.35</p> <p>9.36</p> <p>9.37</p>	<ul style="list-style-type: none"> • varied rooflines. <p>The building line along Newforge Lane generally consists of large detached dwellings which are staggered to some degree to create a rough building line. However, as most properties have tall, mature boundaries they generally cannot be seen from the road. The proposal therefore does not violate any established building line. As above, the proposed boundary treatments are considered acceptable, as is the scale of the proposal and the proposed roofscape. The only concern is the access proposed to the rear garage which will result in the loss of mature vegetation which adds to the character of the area.</p> <p><u>Assessment Conclusion</u></p> <p>Having considered the policy considerations with regard to the demolition of the existing dwelling at 27 Newforge Lane and the acceptability of the proposed replacement dwelling, Planning Service consider that the existing building makes a material positive contribution to the Bladon/Deramore/New Forge sub area of the Malone Conservation Area. Additionally, the proposed replacement dwelling is considered to be chronologically out of character with the area and would result in harm to the Malone CA. The proposal is therefore considered to be contrary to Policy BH14 of PPS 6.</p> <p>Additionally, as regards demolition of a building in a CA, para.7.17 of PPS 6 states that the Planning Authority will have regard to the same broad criteria outlined for the demolition of listed buildings as set out in Policy BH 10. In this regard there is a presumption in favour of retaining the existing dwelling as it is not considered that there are exceptional reasons why it cannot be retained in its original or reasonably modified form.</p> <p>The Council also considers that the granting of a permission to demolish a building within the sub area will contribute to an undesirable precedent which could lead to the demolition of further properties of heritage in the area to make way for replacement dwellings.</p> <p>For these reasons I recommend refusal.</p>
<p>10.0</p>	<p>Summary of Recommendation:</p> <p>Refusal</p>
<p>11.0</p>	<p>Reason for Refusal:</p> <ol style="list-style-type: none"> 1) The proposal is contrary to Policies BH10 and BH14 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and the Design Guide for the Malone Conservation Area in that the dwelling makes a positive material contribution to the character and appearance of the Malone Conservation Area, and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition. 2) The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Design Guide for the Malone Conservation Area in that if permitted it would harm the character and appearance of the Malone Conservation Area through inappropriate scale, massing, design and detailing. 3) The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and Policy QD1 of PPS 7 in that if

	permitted it would harm the character and appearance of the Malone Conservation Area through loss of mature vegetation.
12.0	Notification to Department (if relevant) N/A
13.0	Representations from Elected members: N/A

ANNEX	
Date Valid	15 April 2016
Date First Advertised	13 May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 25 Newforge Lane, Malone Upper, Belfast, Antrim, BT9 5NU The Owner/Occupier, 29 Newforge Lane, Malone Upper, Belfast, Antrim, BT9 5NU The Owner/Occupier, 29 Newforge Lane, Malone Upper, Belfast, Antrim, BT9 5NU The Owner/Occupier, 6 Newforge Lane, Malone Upper, Belfast, Antrim, BT9 5NU The Owner/Occupier, 8 Newforge Lane, Belfast, BT9 5NU The Owner/Occupier, 9 Piney Park, Malone Upper, Belfast, Antrim, BT9 5QU</p>	
Date of Last Neighbour Notification	04 May 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
<p>01 – Site location plan 02 – Existing Site Plan and Existing Floor Plan 03 – Existing Elevations and Section 04 – Proposed Site Plan 05 – Proposed Block Plan 06 – Proposed Ground Floor Plan 07 – Proposed First and Second Floor Plan 08 – Proposed Elevations 09 - Proposed Sections 10 – Proposed Site Section and Garage Drawings</p> <p>04A - Proposed Site Plan (amended) 06A - Proposed Ground Floor Plan (amended) 07A - Proposed First and Second Floor Plan (amended) 08A – Proposed Elevations (amended) 09A – Proposed Sections (amended) 10A - Proposed Site Section and Garage Drawings (amended)</p>	