

**Development Management
Addendum Report
Committee Application**

Summary	
Committee Meeting Date: 14 February 2017	
Application ID: LA04/2015/1102/F	
Proposal: Proposed sub division of a dwelling to form a pair of semi-detached houses (retrospective).	Location: 42 Strathmore Park South Belfast BT15 5HL
Referral Route: Requested by Cllr Mary Ellen Campbell	
Recommendation:	Refusal
Applicant Name and Address: Mr & Mrs P Stewart 42 Strathmore Park South Belfast BT15 5HL	Agent Name and Address: Arthur Acheson 56 Quarry Road Belfast BT4 2NQ
ADDENDUM REPORT	
<p>This application was previously presented to Belfast City Council Planning Committee on 17th January 2017. The planning application was deferred for the following reason:-</p> <p><i>That the Committee defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.</i></p> <p>A site visit took place on 30th January 2017. Members viewed the property from the front and rear. Amenity concerns were highlighted by the officer with regard to overlooking into and out of the rear of the houses from the elevated rear gardens. Standing in the elevated rear gardens, it was readily possible to look directly into the first floor bedrooms of both houses. The bedroom windows are particularly large and the proposal would have a harmful impact on the living conditions of both properties by reason of overlooking and loss of privacy. It would also be possible to look directly down from the bedroom windows into the rear gardens of both properties. . On this basis, officers advise that a refusal reason relating to residential amenity is necessary as set out below. In addition, the previous reasons for refusal have been amalgamated for clarity and conciseness.</p> <p>The reasons for refusal are as follows:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments and Policy LC 1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Areas in that it would, if permitted, result in unacceptable damage to the local character and environmental quality of the established residential area, by reason of additional in-curtilage parking, a second new access and sub-division of the curtilage resulting in a plot size which would be out of character with the pattern of development in the area and would set an undesirable precedent. 2. The proposal is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the proposed development would, if permitted, result in an adverse impact on residential amenity of prospective occupants by way of inter-overlooking between 	

the properties into and out of the resulting houses at the rear. .

Recommendation

It is considered that the property does not lend itself to be completely sub-divided. Instead, the size and layout of the property affords better opportunity to create a degree of independent living. The recommendation remains to refuse as per the original case officer's report with the reasons for refusal amended as above.

Draft Conditions

At the January meeting, Members asked officers to draft planning conditions in the event that planning permission is granted.

Following the site visit when it was clear to officers that there would be a residential amenity conflict at the rear of the property, Members are advised that consideration could be given to tying ownership of the proposed sub-divided properties to the same owner. This would prevent the two resulting houses being sold off from one another and could be achieved by way of the applicant entering into a Section 76 planning agreement. In addition to such a planning agreement, and in view of the amenity concerns, it would also be advisable to ensure that occupancy of the proposed new dwelling is tied to a direct family member. This is because whilst ownership of the two properties could be tied via planning agreement, there would be no planning control over the occupants renting the properties and therefore concern regarding the impact on residential amenity of potential occupants given the overlooking that would occur from the elevated rear gardens into the rooms of the sub-divided property which are served by large windows on the rear elevation.

However, the agent/applicant has advised that they would not be willing to enter into a Section 76 Agreement nor accept the proposed occupancy condition given that the planning policies referred to in the case officer's report have no reference to occupancy; they believe that such a condition would be onerous on the family should circumstances change and there would be no public benefit. It is the view of officers that an occupancy condition would be necessary to address issues of residential amenity which is in the public interest.

Notwithstanding the above concerns, if Members wish to resolve to approve the application, it is recommended that delegated authority is given to the Director of Planning & Place to agree and finalise planning conditions. The following draft conditions are anticipated at this stage.

1. This decision is issued under Section 55 of the Planning Act (NI) 2011 and is effective from the date this permission is issued.

Reason: This is a retrospective application.

2. The stairwell window on the front (northern) elevation marked 'X' on Drawing No. 10A shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: In the interests of residential amenity and to safeguard the privacy of adjacent properties

3. The vehicular accesses, including visibility splays of 2.0 m x 45 m in both directions, and any forward sight distance, shall be provided in accordance with Drawing No. 03, date stamped 30th September 2015, within three months of the date of this permission. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, 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 user.

5. Within three months of the date of this permission, the hard surfaced areas shall be constructed in accordance with approved Drawing No. 03, date stamped 30th September 2015 to provide 4 No. parking spaces 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 adequate in-curtilage parking in the interests of road safety and the convenience of road users.

6. All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out within three months of the date of this permission unless otherwise agreed by the Council within that period. Any trees, shrubs or hedge indicated on the approved plans which within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced with another tree, shrub or hedge of the same species and size as that originally planted and shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Appendix

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th Jan 2017	
Application ID: LA04/2015/1102/F	
Proposal: Proposed sub division of a dwelling to form a pair of semi-detached houses (retrospective).	Location: 42 Strathmore Park South Belfast BT15 5HL
Referral Route: Requested by Cllr Mary Ellen Campbell	
Recommendation:	Refusal
Applicant Name and Address: Mr & Mrs P Stewart 42 Strathmore Park South Belfast BT15 5HL	Agent Name and Address: Arthur Acheson 56 Quarry Road Belfast BT4 2NQ
<p>Executive Summary: The application seeks retrospective planning permission for the subdivision of a dwelling to form a pair of semi-detached houses. The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character of the area • Impact on residential amenity <p>The proposal was assessed against the Development Plan (BMAP 2015) and relevant regional planning policies. It is considered that the proposal will have a detrimental impact on the local character and environmental quality of the area</p> <p>Transport NI and Environmental Health have no objection to the proposal subject to conditions and informatives.</p> <p>No objections were received</p> <p>It is recommended that the application is refused for the reasons set out in the case officer's report.</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Transport NI - Hydebank	Substantive Response Received
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Non Statutory	NI Water - Multi Units East - Planning Consultations	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0	Description of Proposed Development Retrospective planning permission is sought for sub division of a detached dwelling to form two semi-detached houses.
2.0	Description of Site The site is located at 42 Strathmore Park South, Belfast and contains a two storey detached building which has recently been extended and has been sub divided into two units. The dwellings are finished with red brick at ground floor level, white render on the first floor and grey tiled roof. The front of the site contains a grassed and paved area

	<p>bounded by a 0.5m red brick wall and vegetation, a new entrance is under construction in addition to the existing entrance. The rear of the property contains a long garden measuring approximately 35m in length, immediately to the rear of the existing dwelling is a small paved area with the garden area rising steeply from north to south. The rear of the site is bounded by dense hedging and vegetation measuring in excess of 2m high.</p> <p>The site is located within the development limits and is predominantly residential and characterised by 2 storey detached dwellings.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <ul style="list-style-type: none"> • Z/2010/0702/O – Erection of 1No. bungalow with in-curtilage parking to rear of No.42 Strathmore Park South – Permission Refused - appeal dismissed • Z/2013/0016/F – Erection of two-storey extensions to front and two and a half storey extension to the rear of dwelling. Raising of existing ridge height of dwelling. New covered porch to front and external alterations with associated site works. Permission Granted
4.0	Policy Framework
4.1	<p>Regional Development Strategy Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement for Northern Ireland (SPPS) PPS 3 'Access, Movement and Parking' PPS 7 'Quality Residential Environments' PPS 7 Addendum 'Safeguarding the Character of Established Residential Areas' DCAN 8 'Housing in Existing Urban Areas' PPS 12 'Housing in Settlements' Creating Places</p>
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	<p>Transport NI – no objection with conditions Environmental Health – no objections NI Water – no objections with conditions</p>
7.0	Representations
7.1	Policy assessment submitted from applicant
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	The proposal is for retrospective full planning permission for the sub division of a

	<p>detached dwelling to form two semi-detached properties. The property previously received permission for a two storey front extension and two and a half storey rear extension. The current proposal does not involve any further extensions or creation of floor space to the current building. A number of amendments are proposed to the site including the creation of a new entrance, new roof lights and additional windows. The rear garden will also be sub divided to create separate private amenity space for both properties</p> <p>PPS 7, PPS 7 Addendum, DCAN 8, Creating Places</p>
9.2	<p>The proposal has been assessed against Policy QD1 of PPS 7 – Quality Residential Environments, which states that 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.</p>
9.3	<p>The site lies within an established residential area and is characterised mainly by detached dwellings with substantial plots and long rear gardens. The proposal would introduce a pair of semi-detached dwellings into a row of detached dwellings. The sub division of the plot will create two long narrow gardens approximately 33m long and 7m wide, this is considered to be detrimental to the character and appearance of the area. There are no other examples of plot sub-division within the immediate area therefore a proposal of this type would be uncharacteristic and set an unacceptable precedent.</p>
9.4	<p>A hardstanding parking area is indicated to the front of the properties with little provision for landscaping to soften the proposal. The existing dwellings along Strathmore Park South have a reasonable balance between front garden area and car parking. The amount of hardstanding required is indicative of the restricted nature of the subdivided plot. Whilst it is acknowledged that other properties in the vicinity have hard standing at the front to facilitate parking it is considered this proposal would introduce an excessive amount. The sub division and dominant car parking arrangements would not be in keeping with the pattern of development in the area and represents an over-development of the site.</p>
9.5	<p>The proposal provides approximately 226sqm and 268sqm of amenity space to the rear of each property for private domestic and recreational purposes. The existing boundaries are being retained with a new hedge to be planted to form a shared boundary dividing the two spaces. In terms of the guidance set out in Creating Places this is considered to be an acceptable level of amenity within an urban housing area such as this.</p>
9.6	<p>Overlooking will not be a main concern; on the north western elevation looking towards No. 44a Strathmore Park South, three new upper floor windows are proposed two of which are glass block windows on stairways and third an obscure bathroom window. On the south eastern elevation a new entrance is proposed however this will face the rear of the site and not direction towards No. 40. It is therefore considered the sub division of the dwelling will not cause additional overlooking and loss of light and amenity will not be a major concern.</p>
9.7	<p>With regard to Policy LC1 (Addendum to PPS7), the sub-division increases the density of development on the plot and is not sympathetic to the prevailing plot sizes in the area. The proposal is therefore not in keeping with the overall character of the established residential area.</p>
9.8	<p>At the request of Cllr Mary Ellen Campbell, an office meeting was held to discuss the case. In attendance were Cllr Campbell, the applicant, agent and officers. At the</p>

	<p>meeting the planning issues were discussed and the agent submitted additional information in support of the application. Further to the meeting, the applicant stated that the subdivision is necessary to provide accommodation for her son and provided medical evidence as to why he was required to live in close proximity. The medical information was considered and it is not considered that there is a site-specific justification for the subdivision of the property.</p>
10.0	<p>Summary of Recommendation:</p> <p>The scheme as shown in the drawings is not considered acceptable and conflicts with planning policy. The proposed sub-division and reduction in plot size is not in keeping with the surrounding area and would have a detrimental impact on the character and environmental quality of the established residential area. No objections were received, a representation was submitted from the applicant/agent rebutting the issues outlined by the Department and all information has been considered. After taking into account all relevant information, including current planning policy, previous history and the current drawings, refusal is recommended.</p>
11.0	<p>Conditions/Reasons for Refusal</p> <ol style="list-style-type: none"> 3. The proposal is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, result in unacceptable damage to the local character and environmental quality, by reason of overdevelopment of the site which does not respect the context of the surrounding area and would set an undesirable precedent. 4. The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Areas in that the proposed development is not in keeping with the overall character and environmental quality of the established residential area.
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>N/A</p>	

ANNEX	
Date Valid	30th September 2015
Date First Advertised	16th October 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Lismoyne Park Ballyaghagan Belfast The Owner/Occupier, 40 Strathmore Park South Low-Wood Belfast The Owner/Occupier, 44 Strathmore Park South Low-Wood Belfast The Owner/Occupier, 44A Strathmore Park South Low-Wood Belfast The Owner/Occupier, 47 Strathmore Park South Low-Wood Belfast The Owner/Occupier, 49 Strathmore Park South Low-Wood Belfast	
Date of Last Neighbour Notification	22nd January 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: Z/2010/0702/O Proposal: Erection of 1No. bungalow with in-curtilage parking to rear of No.42 Strathmore Park South. Address: 42 Strathmore Park South, Belfast, ,BT15 5HL Decision: Decision Date: Ref ID: Z/2004/1695 Proposal: Detached dwelling including garage. Address: 44 Strathmore Park South, Belfast. BT15 5HL Decision: Decision Date: 23.08.2004 Ref ID: Z/2003/1249/O Proposal: Two storey detached dwelling with garage Address: 44 Strathmore Park South Belfast, BT15 5HL Decision: Decision Date: 20.08.2003 Ref ID: Z/2004/2755/F Proposal: Erection of red brick detached dwelling including garage. Address: 44 Strathmore Park South, Belfast BT15 5HL	

Decision:

Decision Date: 26.07.2006

Ref ID: Z/2013/0016/F

Proposal: Erection of two-storey extensions to front and two and a half storey extension to the rear of dwelling. Raising of existing ridge height of dwelling. New covered porch to front and external alterations with associated site works.

Address: 42 Strathmore Park South, Belfast, BT15 5HL,

Decision: PG

Decision Date: 18.10.2013

Drawing Numbers and Title

01 – site location plan

02 – site layout

03 – access and parking

04(a) – floor plans

05(a) – floor plans

06(a) – floor plans

07(a) – floor plans

08(a) – sections

09(a) - elevations

10(a) – elevations

11(a) – elevations

12(a) - elevations

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A