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| Subject: | <i>Proposed serving Notice of Article 4 Directions on Adelaide Park and Malone Park Conservation Areas</i> |
| Date: | <i>19th September 2016</i> |
| Reporting Officer: | <i>Phil Williams ext. 2300</i> |
| Contact Officer: | <i>Robert Kennedy, ext. 2294</i> |

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| Is this report restricted? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

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| 1.0 | Purpose of Report or Summary of main Issues |
| 1.1 | <p>In June 2015 Committee agreed to authorise the undertaking of a public consultation exercise in order to ascertain the level of support for Article 4 Directions to be issued within Adelaide Park and Malone Park Conservation Areas. The directions will enable the Council to restrict permitted development rights associated with householder development that can currently be undertaken without the need for planning permission.</p> <p>It was agreed that, should sufficient support be demonstrated for the proposal Article 4 Directions would be issued</p> <p>The purpose of this paper is to update members of the outcome of the public consultation which demonstrates that a majority of residents support Article 4 Directions within Adelaide Park and Malone Park Conservation Areas, and to approve serving notice of Article 4 Directions .</p> |
| 2.0 | Recommendations |
| 2.1 | <p>The Committee is requested to:</p> <ul style="list-style-type: none">• Approve Serving Notice of Article 4 Directions in Adelaide Park and Malone Park Conservation Areas restricting some of the householder permitted development rights |
| 3.0 | Main report |
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| | <p>Background</p> <p>3.1 Conservation Areas are designated Under Article 104 of the Planning (NI) Act 2011, as “areas of special architectural or historic interest...the character or appearance of which it is desirable to preserve or enhance”. It is therefore a statutory requirement for the Council to take action to ensure that the character of Conservation Areas is protected.</p> <p>3.2 Insensitive alterations to buildings within Conservation Areas, even if they appear relatively minor, can individually and cumulatively, have a detrimental impact on the character of both the host building and wider area.</p> <p>Purpose of Article 4 Direction</p> <p>3.3 Under the Planning (General Permitted Development) Order (NI) 2015, many such changes would be permitted development. However Article 4 of the same Order enables the Council to bring such changes under planning control. Use of such Directions would bring this practice into use here for the first time; it is widely used in other jurisdictions.</p> <p>3.4 An Article 4 Direction will represent a minor extension over existing planning control - bringing replacement of existing elements under planning control. Historic elements express the craftsmanship of the era, and possess narrative and aesthetic qualities. They are important individually and collectively to the character of these Conservation Areas. They are important to architectural unity – i.e. inherent to the design / style of properties.</p> <p>3.5 Where details are required in support of applications photographs of existing and drawings by suppliers and companies carrying out the proposed works such as replacement window frames / doors could suffice, when of sufficient detail, thereby negating the potential cost associated with detailed supporting information.</p> <p>Overview of Consultation Process</p> <p>3.6 The use of Article 4 Directions is primarily about protecting and enhancing the built heritage of the area. It is not a statutory requirement to consult; however the Council considered that it was important to ascertain the level of support within the community most affected by the Direction. A survey was carried out to ascertain the level of support for Article 4 Directions. This lasted 4 weeks and ended on 17 July 2016. A previous consultation was carried out in 2016. This Re-consultation was necessary due to an error made in the first consultation over the stated fee arising as a result of an application made due to withdrawal of permitted development rights (this was stated to be no fee – in fact a reduced fee of £64 applies to such applications). The survey was delivered to all residents who live in the Malone Park and Adelaide Park. A summary of the consultation exercise is set out in Appendix 1. These bear out the results of the previous consultation exercise.</p> <ul style="list-style-type: none"> • 89% and 72% of respondents supported an Article 4 Direction in Adelaide Park and Malone Park respectively • 89% and 80% of respondents supported introduction of control over replacing window frames in Adelaide Park and Malone Park respectively • 89% and 72% of respondents supported introduction of control over |
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| 3.7 | <p>replacing window frames in Adelaide Park and Malone Park respectively</p> <p>Given the majority support for the introduction of Article Directions it is proposed, subject to Committee approval, to serve Notice of Article 4 Directions in both areas covering the following –</p> <ul style="list-style-type: none"> - Replacing window frames and doors to front elevations and side elevations - Painting the exterior of houses - The creation of porches to external doors - The erection of gates, fences, walls or other means of enclosure within the curtilage of a property. This would apply anywhere within the curtilage of the property in the case of Adelaide Park and from the front building line of the property to the front boundary in the case of Malone Park - The creation of hardstandings to front lawns |
| 3.8 | <p>Refinement of Previous Consultation</p> <p>Members may wish to note that 1 – 8 Adelaide Chase and 1 – 33 Belvedere Manor (in Adelaide Park Conservation Area) – later developments of lesser architectural significance will be omitted from the Direction. It has been decided to exercise the control over windows and doors to all side elevations as in the vast majority of cases both side elevations are visible from the public road. It is considered that this stipulation is easier to enforce and will avoid ambiguity. Some felt an Article 4 Direction would be too restrictive and that there was enough control. Some felt security was necessary for properties. Several objections to Malone Park were submitted in respect of properties that were boarded up or derelict. Malone Park Residents Association submitted a written submission in support of the Article 4 Direction.</p> |
| 3.9 | <p>Article 4 Directions are considered an essential additional operational tool to support decisions making in achieving the objective of maintaining the character of Conservation Areas where there can be potential for significant change.</p> |
| 3.10 | <p>Recommendation</p> <p>It is recommended therefore that the Council approve the serving of Article 4 Directions as outlined above for the Adelaide Park and Malone Park Conservation Areas. Committee should note that these Directions will require the approval of the Department for Infrastructure prior to final implementation.</p> |
| 4.0 | <p>Finance and Resource Implications</p> |
| 4.1 | <p>This is a new element of work for the Planning and Place Department and impact of the additional workload will be kept under review in terms of applications etc. Given the number of properties affected – approx 86 in Malone Park, approx 99 in Adelaide Park (including flats) it is not anticipated that a large number of applications will result on an annual basis with no impact on staff resources.</p> |
| 5.0 | <p>Equality or Good Relations Implications</p> |

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| 5.1 | The ongoing work has been developed in line with the Council's Equality and Goods relations framework and policies |
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Appendix 1

A summary of the consultation exercise is set out in the Table below. The total number of respondents were:

- Malone Park – 25
- Adelaide Park – 9

| | Adelaide Park | Malone Park |
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| Survey Question | % | % |
| Do you believe Article 4 Directions will help protect the character of the Conservation Area | 89 | 72 |
| Do you support the introduction of Article 4 Directions | 89 | 72 |
| Do you support the introduction of planning control over replacing window frames | 89 | 80 |
| <i>Of people who supported this the degree of support was as follows -</i> | | |
| <i>Front elevations only</i> | 25 | 20 |
| <i>Front elevations and all side elevations</i> | 75 | 40 |
| <i>Front elevations but only side elevations visible from the public road</i> | | 40 |
| Do you support the introduction of replacing doors | 89 | 72 |
| <i>Of people who supported this the degree of support was as follows -</i> | | |
| <i>Front elevations only</i> | 25 | 21 |
| <i>Front elevations and all side elevations</i> | 75 | 37 |
| <i>Front elevations but only side elevations visible from the public road</i> | | 42 |
| Do you support the introduction of planning control over painting the exterior of dwelling houses | 66 | 52 |
| Should planning permission be required for the construction of porches | 100 | 80 |
| <i>Do you support the introduction of planning control over the erection of gates, fences, walls or other means of enclosure within the curtilage of a property?</i> | 67 | 68 |
| <i>Of people who supported this the degree of support was as follows -</i> | | |
| <i>Front boundary only</i> | | 24 |
| <i>From front building line to front boundary</i> | 33 | 47 |
| <i>Anywhere within the curtilage of the property</i> | 67 | 29 |
| Do you support the introduction of planning control over the construction of hardstandings to front gardens within the curtilage of a property | 89 | 56 |

consultation responses

Do you support the introduction of planning control over the erection of gates, fences, walls or other means of enclosure within the cartilage of a property



Should planning permission be required for the construction of porches



Do you support the introduction of planning control over painting the exterior of dwelling houses



Do you support the introduction of replacing doors



Do you support the introduction of planning control over replacing window frames



Do you support the introduction of article 4 Directions



Do you believe

Adelaide F

Malone Pa



Re-Consultation

(Article 4 Direction)

Adelaide Park Conservation Area

**Proposed changes to Permitted
Development**

Reasons for this Re-consultation Exercise

Belfast City Council undertook a public consultation exercise in 2016 to explore amending permitted development rights within Adelaide Park Conservation Area through an Article 4 Direction.

Fee Update

Since undertaking this public exercise it has come to light that the reduced fee of £64 applies to applications made as a result of withdrawal of permitted development rights; the original consultation had advised that no fee would apply.

The re-consultation allows several refinements to be carried out to the proposed Article 4 Direction and the public consultation into it.

Enlarging Window Openings

In the public consultation exercise carried out in 2016 a question was asked as to whether altering the size of window and door openings should come under planning control. In fact, under Article 105(8) of the Planning Act (NI) 2011, demolishing part of a building requires conservation area consent. As consent would be required for the demolition associated with enlarging existing window and door openings, in effect planning control can be exercised over this alteration. This question has therefore been omitted.

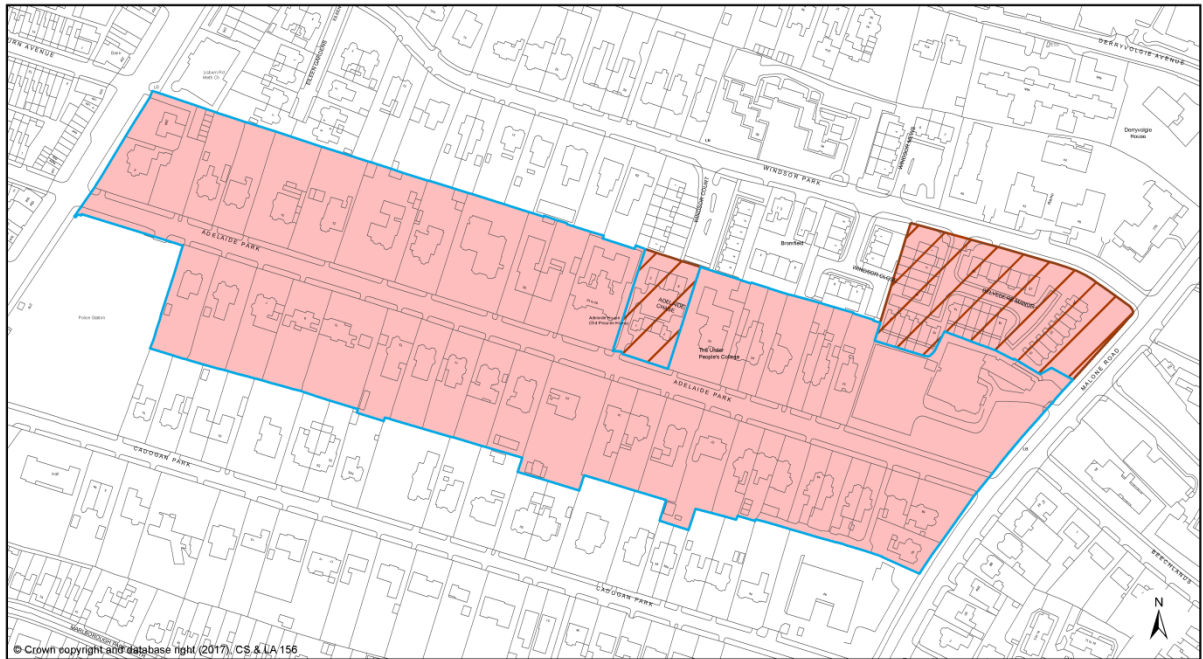
A specific question has been asked now on removal of front garden areas; this was omitted in the previous public consultation exercise.

Omission of Later Developments




In addition it has been decided to remove the following addresses from the public consultation –

*1 – 8 Adelaide Chase; and
1 – 33 Belvedere Manor*

It is considered that these developments are of lesser significance in terms of architectural merit / contribution to the character and appearance of the Conservation Area, and therefore replacing windows and doors to these developments would not have the same impact on the character and appearance / architectural or historic interest of the Conservation Area as they are non historic elements. It is considered it would not be reasonable to request applications where these changes are proposed to these properties.



Adelaide Park Conservation Area - Proposed Article 4 Direction

-  Area where proposed Article 4 Direction will apply
-  Area excluded from proposed Article 4 Direction
-  Adelaide Park Conservation Area

Walls, Fences and Other Means of Enclosure

Further the opportunity has been taken to ask an additional question about the erection of fences.

Proposed changes to permitted development – Adelaide Park Conservation Area

Belfast City Council recognises it's rich and varied built heritage and is keen to protect it.

Historic areas have evolved over many years and the combination of historic buildings and landscaping elements has created aesthetically pleasing environments. However the character of these areas may be eroded by alterations, individually and cumulatively – even if they are small in scale.

We take our responsibility for heritage protection seriously and are considering using our powers to remove some specific and limited permitted development rights. This is done by introducing an Article 4 Direction.

Under planning legislation – The Planning (General Permitted Development) Order (Northern Ireland) 2015 householders have certain rights to alter and extend properties without the need to apply for planning permission. These are known as permitted development rights.

The vast majority of permitted development rights will remain unaffected by the proposed change; however, if these permitted development rights are removed, anyone wanting to, for example, change windows, doors and create hard surfacing to front gardens would need to apply for planning permission. A reduced fee of £64 would apply to such applications.

We will only consider bringing these changes to permitted development rights (through an Article 4 Direction) where there is evidence of support for this change. We are currently consulting on proposals to change the permitted development rights for Adelaide Park Conservation Area and we want feedback from residents about this. The remainder of this document explains what the changes are, and what they will mean for households in the area.

If you would like to make a representation on this consultation, please do so by 4pm on 2017.

You can make your representation in two ways:

1. In writing to: Article 4 Consultation, The Planning Service, Belfast City Council, Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT2 8BP.
2. Online at www.belfastcity.gov.uk/consultations

Conservation areas

Conservation areas are defined as areas of special architectural or historic interest. Built heritage designations such as conservation areas provide the city with a strong sense of place, they suggest continuity and stability, provide aesthetically pleasing quality environments, contribute to a high quality of life and thus stimulate economic activity, investment and tourism. The buildings within them contribute to maintenance of craftsmanship skills and sustainability. They contribute to the visual environment, sense of community and civic pride throughout the city.

Adelaide Park Conservation Area was designated in 1993. It's character derives from large, architect designed, individual dwellings from the Victorian, Edwardian and Interwar periods, set in large, maturely landscaped, plots. These address a broad, tree-lined thoroughfare between the Malone Road and Lisburn Road. The dwellings reflect the architectural influences of the period – the neoclassical revivals, the Arts and Crafts movement and façade modulation through bay windows and embellishment in the form of string coursing and terracotta panels typical.

Example: Building elements such as window frames allow dating of buildings

We have a statutory duty to undertake actions that “preserve or enhance” these conservation areas.

What are permitted development rights?

Households have what are known as permitted development rights. For example, alterations and extensions to certain size or height limits can be made to properties without the need for planning permission.

The vast majority of these will remain unaffected.

To protect the special character of conservation areas, certain permitted development rights available to dwelling houses outside Conservation Areas, are already curtailed, namely:

- consent is needed to demolish buildings and parts of buildings or gates, walls and fences over one metre in height adjacent to a road and two metres when not;
- alterations to roofs are not permitted;
- side extensions are not permitted;
- exterior cladding or rendering is not permitted;
- the extension cannot be more than one storey or four metres in height; and
- satellite dishes are not permitted if visible from a road.

Works to trees, such as felling, pruning, crown thinning and raising also require the written consent of the council.

However a lot of changes and alterations can still be undertaken without requiring planning permission.



Example: How building elements contribute to architectural composition.

What is proposed?

We are proposing that, to further protect the unique and special character and appearance of Adelaide Park Conservation Area, limited additional protection be provided through use of Article 4 Directions. This would mean that planning permission would be needed for the following works:

- Replacing window frames;
- Replacing doors; and
- creation of hardstandings (hard surfacing in tarmac or pavers to fronts of dwellings replacing lawns).

We also want to find out if there would be support to bring the painting of exteriors of dwellings, erection of porches and erection of fences under planning control. If there was evidence of support, we would consider extending the Article 4 Direction to cover these works.

This does not mean that the windows and doors cannot be changed or hardstandings cannot be created, but just that these changes can be managed through the need to applying for planning permission. A reduced fee of £64 applies for planning applications that arise as a result of an Article 4 Direction being in place.



Why are these changes proposed?

Insensitive alterations to buildings within conservation areas - such as removal of front boundaries, enlarging historic window proportions to create picture windows, loss of historic timber window frames and doors, and so on - can have a detrimental impact (individually and cumulatively) on the character of both the host building and wider area.

Loss of aesthetic and narrative quality can have a detrimental impact on conservation areas: Left picture is a historic threshold and right is a modern one.

Windows and doors are important period elements reflecting the craftsmanship of the era of the properties construction. The form of the window and door contributes to the narrative quality of the dwelling in that they allow us to read the date the period the building was constructed in. Often these elements reflect the stylistic influences on and intent of the designer; to remove them detracts from the visual and architectural unity of the property.

Examples of replacement of original doors and windows:

Replacement of original panelled door (left) with poor quality replacement (right)

Replacement of original timber sliding sash (left) with poor quality replacement (right).

Loss of mature front garden areas and landscaping – complementary to and forming the setting of the dwelling – detracts from the aesthetic quality and value of both the property and area.

What will this mean for me?

If as a result of this consultation exercise, householders support the proposal, and an Article 4 Direction is confirmed, it would mean that some changes that do not currently need planning permission would need it in the future.

Anyone wanting to make changes to a property in an area where permitted development rights had been removed would need to submit a Planning Application Form and drawings providing details on proposed changes. Council proposes that, where sufficient, photographs of the existing and commercial company drawings of window frames / doors would be acceptable.

If you have any queries on the above do not hesitate to contact our Planning Service by emailing planning@belfastcity.gov.uk or by calling 0300 200 7830.

Staff will be available on the following days / times to facilitate any person wishing to speak to a member of staff in person:

Monday – Friday – 9 AM – 5 PM





**Adelaide Park
Conservation Area Reconsultation**

Proposed changes to permitted development

Before we consider introducing these additional controls we are keen to get the views of residents to gauge the level of support for introduction of an Article 4 Direction.

Please complete this questionnaire and return, or respond online by Monday 05 June 2017 at 5pm.

You can complete this questionnaire anonymously if you wish, but if you give us your details we can keep you informed as the consultation progresses.

Section 1: Your details (optional)

1.1 Name:

1.2 Address:

1.3 Postcode

1.4 Contact telephone number:

1.5 Email address:

Section 2: General

2.1 Do you believe that the introduction of Article 4 Directions will help protect the special character and appearance of Adelaide Park Conservation Area?

Yes

No

2.2 Do you support the introduction of Article 4 Directions within Adelaide Park Conservation Area?

Yes If yes, please go to question 3.1

No If no, please tell us why:

Section 3: Planning controls

The introduction Article 4 Directions mean that additional planning control measures can be introduced. In this section we want your feedback on specific control options that council is considering applying as part of Article 4.

3.1 Do you support the introduction of planning control over replacing **window frames**?

- Yes If yes, please go to question 3.1b
- No If no, please tell us why:

3.1b Should control be restricted to:

- Front elevations only
- Front elevations and all side elevations
- Front elevations but only side elevations that are visible from the public road

3.2 Do you support the introduction of planning control over replacing **doors**?

- Yes If yes, please go to question 3.2b
- No If no, please tell us why:

3.2b Should control be restricted to:

- Front elevations only
- Front elevations and all side elevations
- Front elevations but only side elevations that are visible from the public road

3.3 Do you support the introduction of planning control over **painting the exterior** of dwelling houses?

Yes

No

If no, please tell us why:

3.4 Should planning permission be required for the **construction of porches** outside any external door to the property?

Yes

No

If no, please tell us why:

3.5 Do you support the introduction of planning control over the **erection of gates, fences, walls or other means of enclosure** within the curtilage of a property?

Yes

If yes, please go to question 3.5b

No

If no, please tell us why:

3.5b Should this control be restricted to:

Front boundary only

From the front building line of the property
to the front boundary of the site

Anywhere within the curtilage of the
property

3.6 Do you support the introduction of planning control over the construction of **hardstandings** to front gardens areas within the curtilage of a property?

Yes

No

If no, please tell us why:

Section 4: Equality implications

4.1 Do you believe this change would impact on equality of opportunity for persons of Section 75 groups?

- I. persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- II. men and women generally
- III. persons with a disability and persons without
- IV. persons with dependants and persons without.

Yes If yes please state the reasons why.

No

4.2 Please use this space for any additional comments: