



<b>Subject:</b>	<i>Notice of Article 4 Directions on Adelaide Park and Malone Park Conservation Areas</i>
<b>Date:</b>	<i>Tuesday, 19<sup>th</sup> February 2019</i>
<b>Reporting Officer:</b>	<i>Keith Sutherland ext. 3578</i>
<b>Contact Officer:</b>	<i>Gareth Allison, ext. 3116</i>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	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 Committee agreed that, should sufficient support be demonstrated for the proposal, Article 4 Directions would be issued.
1.2	By way of public consultation a survey of residents was carried out to ascertain the level of support for the introduction of Article 4 Directions. This lasted 4 weeks and ended on 17 July 2017. A previous consultation was carried out in 2016. The re-consultation was necessary due to an error made in the first consultation over the stated fee arising as a result of an administrative error. The survey was delivered to all residents who live in the Malone Park and Adelaide Park Conservation Areas.
1.3	In September 2017 the Committee supported the serving of Article 4 Directions within said Conservation Areas, and a formal request was subsequently submitted to the Department for Infrastructure (the Department) seeking approval to serve Directions on the Adelaide Park and Malone Park Conservation Areas.
1.4	In January 2019 the Department issued approval of both under Article 4(2) of Planning (General Permitted Development) Order (Northern Ireland) 2015, without modification.

1.5	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.
1.6	The purpose of this paper is to notify members that with the approvals now issued by the Department, the council will progress with implementation of the Directions in both areas.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to take note of the Department's approval, and the council's intentions to progress with final implementation of Article 4 Directions in Adelaide Park and Malone Park Conservation Areas.
<b>3.0</b>	<b>Main report</b>
	<b>Background</b>
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.
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.
	<b>Purpose of Article 4 Direction</b>
3.3	Under the Planning (General Permitted Development) Order (NI) 2015, many such changes would be permitted development. However under Article 4 of the same Order, a Direction 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.
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.
3.5	Adelaide Park and Malone Park Conservation Areas were chosen as a survey constituting an Audit of Historic Fabric demonstrated that sufficient percentages of historic elements remained to the majority of properties, enhancing the validity of serving Article 4 Directions. Both areas have active Residents Associations. It was felt therefore that the PPS 6 paragraph 7.21 stipulation that there is evidence of local support for Article 4 Directions was most likely to be met in these areas – for what was a pilot exercise in the council area.

3.6	Article 4 Directions are considered an essential additional operational tool to support decision making in achieving the objective of maintaining the character of Conservation Areas where there can be potential for significant change. Several enforcement cases have arisen over unauthorised fences in Adelaide Park Conservation Area.
3.7	Effective action is hindered when it has to be conceded that fences could be constructed up to 2m within the curtilage of a property. Numerous historic windows and doors in these areas have been lost and replaced with inappropriate uPVC. There has been loss of front lawns to numerous properties with the detrimental impact on the quality of spaces around dwellings.
3.8	A reduced fee of £64 is applicable for applications arising from Article 4 Directions. 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.
<b>Overview of Consultation Process</b>	
3.9	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.
3.10	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 – when in fact a reduced fee of £64 applies to such applications).
3.11	<p>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. A brief summary of the results showed:</p> <ul style="list-style-type: none"> <li>• 89% and 72% of respondents supported an Article 4 Direction in Adelaide Park and Malone Park respectively;</li> <li>• 89% and 80% of respondents supported introduction of control over replacing window frames in Adelaide Park and Malone Park respectively; and</li> <li>• 89% and 72% of respondents supported introduction of control over replacing window frames in Adelaide Park and Malone Park respectively.</li> </ul>
3.12	Given the majority support for the introduction of Article Directions, the Planning Committee agreed to serve Notice of Article 4 Directions in both areas covering the following:

- 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; and
- The creation of hardstandings to front lawns

#### **Formal Request to Department for Infrastructure**

3.13 The council has a statutory duty to take actions to preserve or enhance Conservation Areas. In response to the demonstrated public support, and the support of the Planning Committee in September 2017, the council formally requested that the Department approve the decision to serve Article 4 Directions for the Adelaide Park and Malone Park Conservation Areas.

3.14 The Department responded on 23 January 2019 to confirm that approval was thereby issued for both Directions, without modification, under Article 4(2) of Planning (General Permitted Development) Order (Northern Ireland) 2015.

#### **Implementation by Belfast City Council**

3.15 The council is required to serve notice of Article 4 Directions approved by the Department on the occupier, and if not then the owner, of every part of the land affected.

3.16 Where there is difficulty identifying or locating such persons, or serving the notices individually is impracticable, the council is required to publish the notice in at least one newspaper circulating in the locality of the area affected by the Direction.

3.17 The Belfast City Council website will also be updated to include publication of the notice, together with further guidance notes and related information.

3.18 The notice shall contain the following:

- 1) A concise statement of the effect of the direction; and
- 2) Where a copy of that statement and a map defining the related area may be seen at all reasonable hours.

3.19 Each Direction shall come into force on the date on which the notice is served.

#### **Summary**

3.20 Members are requested to note the council is now undertaking each of the above requirements to implement the Directions as previously approved.

3.21 It is intended to have this process completed within the first quarter of 2019.

<b>4.0</b>	<b>Finance and Resource Implications</b>
4.1	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.
4.2	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.
<b>5.0</b>	<b>Equality or Good Relations Implications</b>
<b>5.1</b>	The ongoing work has been developed in line with the Council’s Equality and Goods relations framework and policies

### **Appendices**

1. DFI Letter of Approval
2. Adelaide Park Conservation Area: Map & Article 4 Direction
3. Malone Park Conservation Area: Map & Article 4 Direction

Appendix 1: DFI Letter of Approval

Regional Planning Directorate



Department for  
**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

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23 January 2019

Dear Keith

The Department for Infrastructure hereby issues approval under Article 4(2) of Planning (General Permitted Development) Order (Northern Ireland) 2015 for the following directions without modification:

**Belfast City Council**  
**The Planning (General Permitted Development) Order (Northern Ireland) 2015**  
**Adelaide Park Conservation Area**  
**Direction made under Article 4(1),**

and

**The Planning (General Permitted Development) Order (Northern Ireland) 2015**  
**Malone Park Conservation Area**  
**Direction made under Article 4(1)**

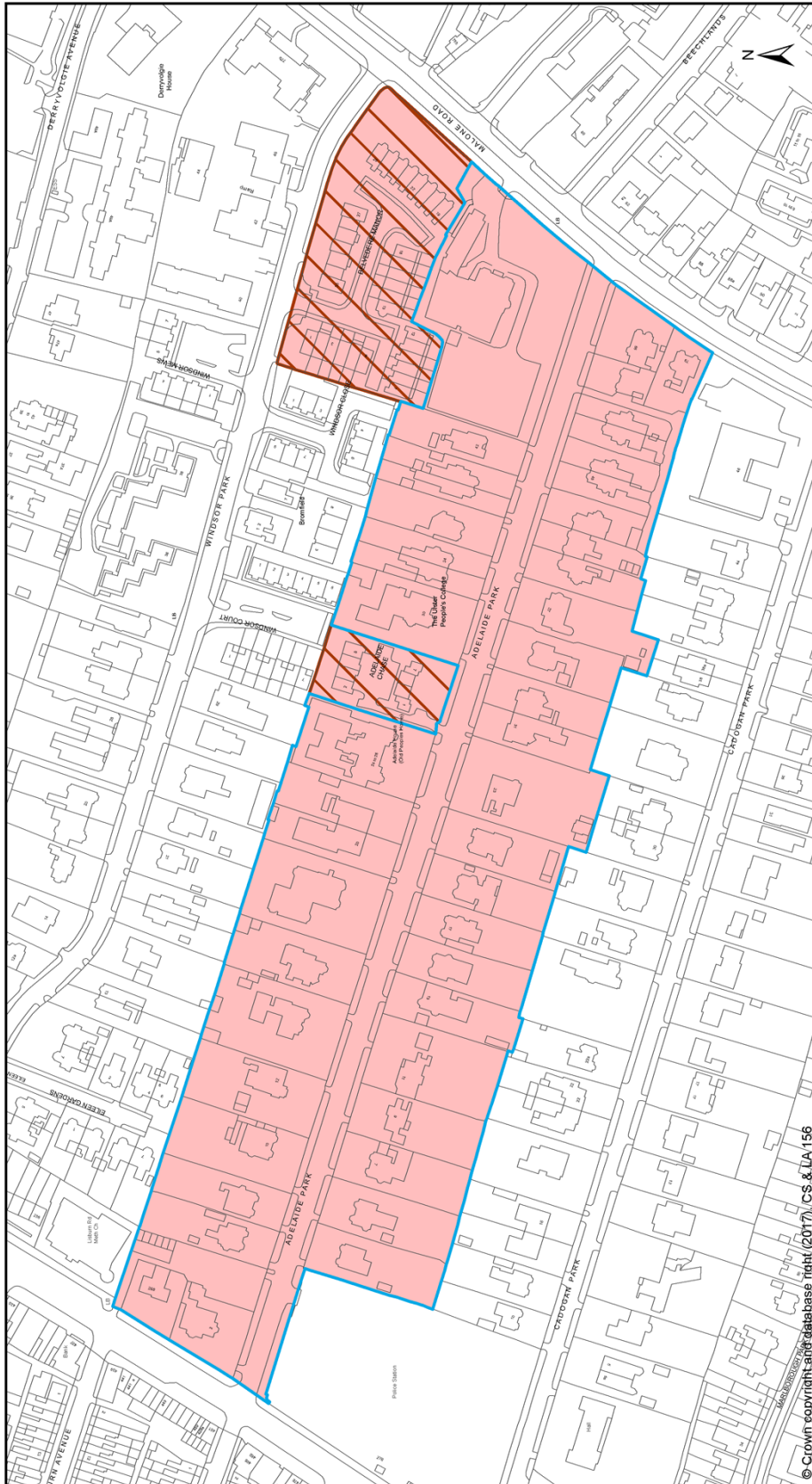
Yours sincerely

**ANGUS KERR**  
**Chief Planner**  
**& Director of Regional Planning**




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**Appendix 2: Adelaide Park Conservation Area**  
**Map & Article 4 Direction**



**Article 4 Direction - Adelaide Park Conservation Area**

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

**Belfast City Council**

**The Planning (General Permitted Development) Order (Northern Ireland) 2015**

**Adelaide Park Conservation Area**

**Direction made under Article 4(1)**

Whereas Belfast City Council (“the Council”) being the appropriate local planning authority within the meaning of Article 4 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”) is of the opinion that development of the description set out in Schedule 1 hereto should not be carried out on the properties set out in Schedule 2 hereto all of which are sited within the Conservation Area of Adelaide Park unless permission is granted on application made under Part 3 of the Planning Act (NI) 2011.....

And whereas the Council is further of the opinion that the control of such works is expedient in furtherance of the requirements of Article 104 of the Planning Act (NI) 2011 in that such works could threaten the preservation or enhancement of the character and appearance of Adelaide Park Conservation Area.....

Now therefore the Council in pursuance of powers conferred upon it by Article 4(1) of the 2015 Order hereby directs that the permission granted by Article 3 of the 2015 Order shall not apply to development described in Schedule 1 hereto on the properties set out in Schedule 2 hereto.....

Dated the            day of            2018

Seal



## **Schedule 1**

### **The Planning (General Permitted Development) Order (Northern Ireland) 2015**

#### **Adelaide Park Conservation Area**

**The following development shall now require planning permission.**

**In respect of the land described in the Second Schedule Appendix 1**

- Removal and replacing window frames and doors to front elevations and side elevations as permitted by Class A of Part 1 of the Schedule of the 2015 Order
- The erection or construction of a porch outside any external door to the front and side elevation of a dwelling house as permitted by Class C of Part 1 of the Schedule to the 2015 Order
- The provision of a hard surface for any purpose incidental to the enjoyment of the dwelling house ( to front lawns as defined by the area between front and side boundaries of the curtilage of the property to the front building line of the property) as permitted by Class E of Part 1 of the Schedule of the 2015 Order
- The erection, construction, maintenance, improvement or alterations of a gate, fence, wall or other means of enclosure anywhere within the curtilage of a property as permitted by Class A of Part 3 of the Schedule of the 2015 Order
- The painting of the exterior of the front or side elevation of a building (except window frames and doors) as permitted by Class C of Part 3 of the Schedule of the 2015 Order in a colour or form of paint different from the existing.

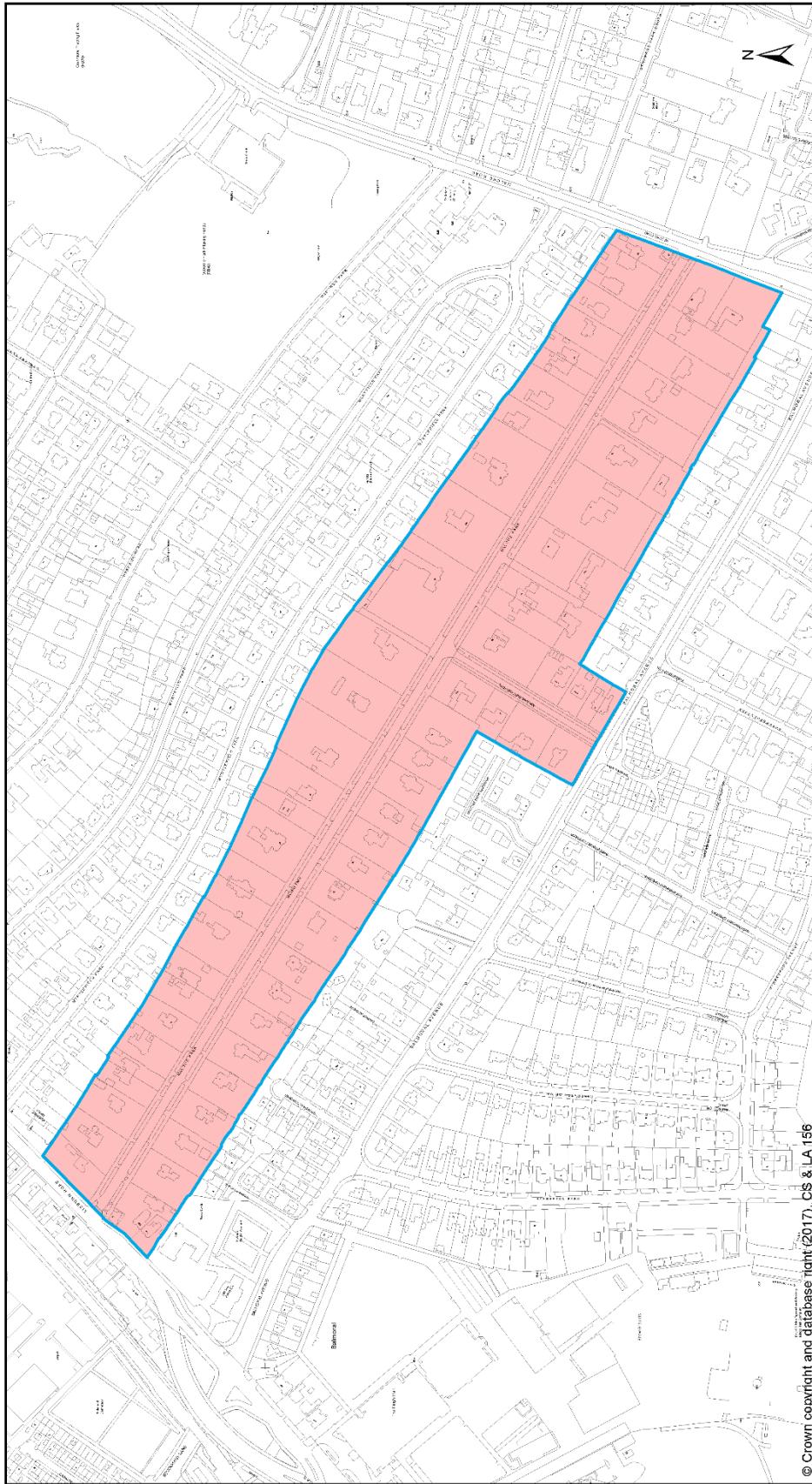
## **Schedule 2**

### **The Planning (General Permitted Development) Order (Northern Ireland) 2015**

#### **Adelaide Park Conservation Area**


The properties to which this Direction applies are situated within Adelaide Park Conservation Area and are contained within the parts of the Conservation Area as shown on the attached map

**Appendix 3: Malone Park Conservation Area**  
**Map & Article 4 Direction**



**Article 4 Direction - Malone Park Conservation Area**

 Area where Article 4 Direction will apply

 Malone Park Conservation Area

**The Planning (General Permitted Development) Order (Northern Ireland) 2015**

**Malone Park Conservation Area**

**Direction made under Article 4(1)**

Whereas Belfast City Council (“the Council”) being the appropriate local planning authority within the meaning of Article 4 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”) is of the opinion that development of the description set out in Schedule 1 hereto should not be carried out on the properties set out in Schedule 2 hereto all of which are sited within the Conservation Area of Malone Park unless permission is granted on application made under Part 3 of the Planning Act (NI) 2011.....

And whereas the Council is further of the opinion that the control of such works is expedient in furtherance of the requirements of Article 104 of the Planning Act (NI) 2011 in that such works could threaten the preservation or enhancement of the character and appearance of Malone Park Conservation Area.....

Now therefore the Council in pursuance of powers conferred upon it by Article 4(1) of the 2015 Order hereby directs that the permission granted by Article 3 of the 2015 Order shall not apply to development described in Schedule 1 hereto on the properties set out in Schedule 2 hereto.....

Dated the        day of        2018

Seal

## **Schedule 1**

### **The Planning (General Permitted Development) Order (Northern Ireland) 2015**

#### **Malone Park Conservation Area**

**The following development shall now require planning permission.**

**In respect of the land described in the Second Schedule Appendix 1**

- Removal and replacing window frames and doors to front elevations and side elevations as permitted by Class A of Part 1 of the Schedule of the 2015 Order
- The erection or construction of a porch outside any external door of a dwelling house as permitted by Class C of Part 1 of the Schedule to the 2015 Order
- The provision of a hard surface for any purpose incidental to the enjoyment of the dwelling house ( to front lawns as defined by the area between front and side boundaries of the curtilage of the property to the front building line of the property) as permitted by Class E of Part 1 of the Schedule of the 2015 Order
- The erection, construction, maintenance, improvement or alterations of a gate, fence, wall or other means of enclosure within the area from the front boundary between the front and side boundaries of the curtilage of the property to the front building line of the property as permitted by Class A of Part 3 of the Schedule of the 2015 Order
- The painting of the exterior of the front or side elevation of a building (except window frames and doors) as permitted by Class C of Part 3 of the Schedule of the 2015 Order in a colour or form of paint different from the existing.

## **Schedule 2**

### **The Planning (General Permitted Development) Order (Northern Ireland) 2015**

#### **Malone Park Conservation Area**

The properties to which this Direction applies are situated within Malone Park Conservation Area and are contained within the parts of the Conservation Area as shown on the attached map