

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 12 November 2019	
<b>Application ID:</b> LA04/2019/0112/F	
<b>Proposal:</b> Change of use from retail/office space to 2No. HMO's & 2 residential dwellings.	<b>Location:</b> 163-169 Donegall Road Belfast.
<b>Referral Route:</b> Houses in Multiple Occupation outside a designated HMO Node	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Douglas Hughes Developments 86 Mowhan Road Markethill BT601RQ	<b>Agent Name and Address:</b> Planning Permission Experts Ltd 32a Bryansford Road Newcastle BT33 0LG
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the change of use and extension to former commercial unit to create 4 units of accommodation - 2no for HMO accommodation and 2no residential dwellings.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design &amp; Impact on the character and appearance of the area</li> <li>• Acceptability of HMO accommodation</li> </ul> <p>The site is located within the existing development limits in both the BUAP and dBMAP and is designated as being within the Donegall Road Area of Townscape Character (ATC) (BT 023) and Arterial Route 03/07 within the dBMAP. The site also falls within the Donegall Road HMO Policy Area as stipulated within the HMO Subject Plan for Belfast City Council area.</p> <p>The proposal is considered to represent over development of the site, being of an inappropriate design, mass and appearance. It also fails to respect the surrounding character context with the introduction of a raised ridge height within the terrace.</p> <p>The proposal fails to provide a design and layout that promotes safety and security</p> <p>The proposal will result in a further increase in the number of dwellings converted to HMO use in excess of the 30% threshold resulting in an oversupply of HMO accommodation within this HMO Policy Area.</p> <p><b>Consultation:</b> BCC Environmental Health – no objection NI Water – no objection</p> <p><b>Representations:</b> Six neighbouring properties were notified and no third party representations received</p>	

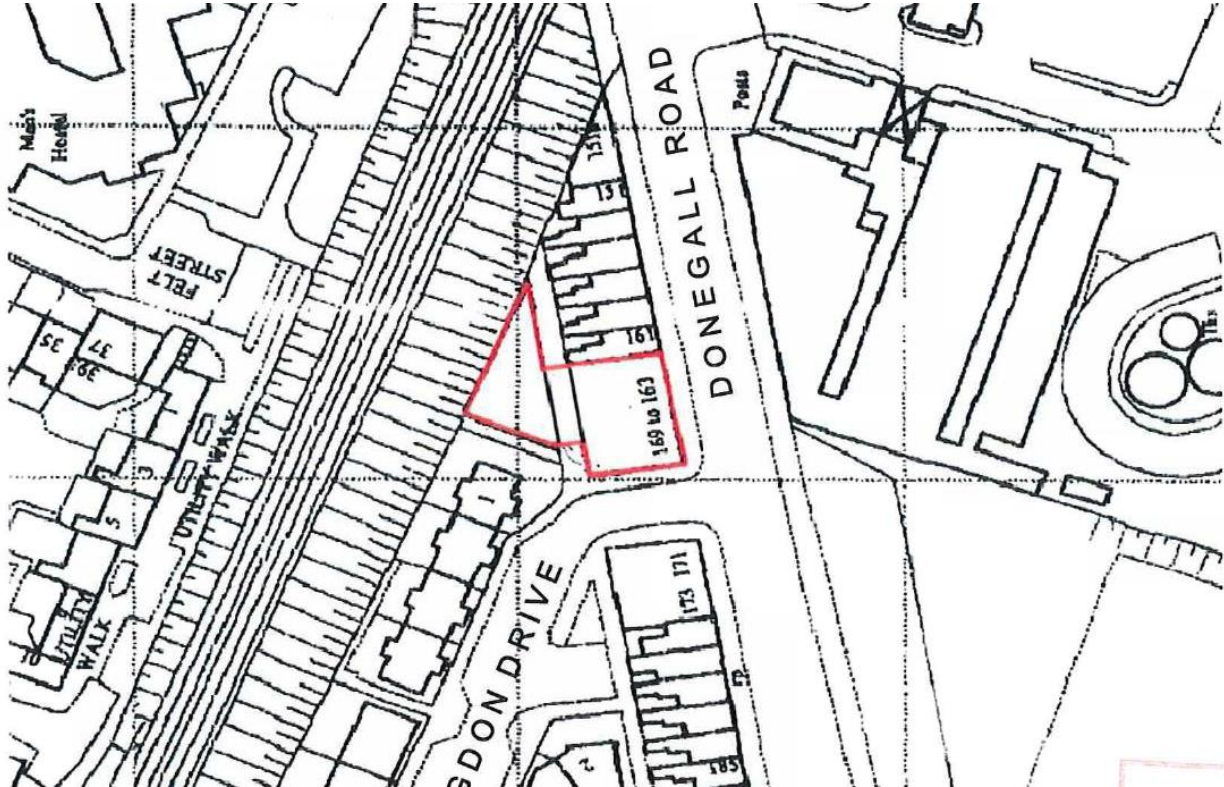
Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be refused.

**Recommendation**

Refusal for the reasons set out in the case officer report

## Case Officer Report

## Site Location Plan



## Characteristics of the Site and Area

1.0	<p><b>Description of Proposed Development</b>          Planning permission is sought for the change of use of the existing building to create four dwellings in total two for HMO use and two for residential use.</p>
2.0	<p><b>Description of Site</b>          The site forms a section of a two storey terrace which is finished in red brick and slate roof covering, typical building materials for this part of Belfast. The site which equates to four dwelling units has at some point in the past been converted to retail/commercial use. The ground floor has been finished in a painted render containing three large windows and a double door entrance, all fitted with steel roller shutters.</p>
2.1	<p>A large illuminated shop sign runs the entire length of the site frontage. The upper floor retains the original sliding sash windows; the site is entered directly from the street, typical for buildings along this section of road.</p>
2.2	<p>To the rear of the original buildings a storey and a half extension with a lean-to roof has been erected, the side gable and the rear extension have been finished in a painted render. To the rear of the extension/site is a service alley way for the site and the remaining dwellings of the terrace. Beyond the service alleyway is an area of rough ground which has</p>

2.3	<p>been fenced of using a low level wall topped with steel railings and behind this a steel palisade fence, a section of which has been removed.</p> <p>The character of the surrounding area is mixed with residential and commercial uses to the north side and Belfast City Hospital to the south of the Donegall Road. The site is at the road junction with Abington Drive this street is in residential use with modern two storey and bungalow terraces being prevalent.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<p><b>Planning History</b></p> <p>Z/2009/1672/F - Demolition of existing shops and offices and erection of 8no. apartments and associated private amenity to rear of building – permission granted</p> <p>Z/2003/2194/F - Erection of 12no. apartments with parking – permission refused</p> <p>Z/1995/2611 - Refurbishment of existing premises and conversion of adjacent premises to create new showroom/workshop and offices with new two storey extension to rear – permission granted</p>
4.0	<b>Policy Framework</b>
4.1	<p>BUAP Draft BMAP 2015</p> <p>The extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.)</p> <p>Strategic Planning Policy Statement (SPPS) Planning Policy Statement 7 (PPS 7) Quality Residential Environments Planning Policy Statement 3 (PPS 3) Access, Movement &amp; Parking HMO Subject Plan for Belfast City Council Area 2015</p>
5.0	<b>Statutory Consultee Responses</b>
	<p>DfI Roads Service – failed to respond NI Water – no objection</p>
6.0	<b>Non Statutory Consultees Responses</b>
	BCC Environmental Health – no objection
7.0	<b>Representations</b>
7.1	None received
8.0	<b>Other Material Considerations</b>
	<p>Creating Places Belfast Agenda</p>
9.0	<b>Assessment</b>
9.1	<p><b>Principle of Development:</b></p> <p>The site is located within the existing development limits for the city within the area plans and is further designated as being within the Donegall Road Area of Townscape Character (ATC) within the 2004 draft plan and continued as an ATC within the 2015 plan the site is also designated on an Arterial Route 03/07 within the dBMAP 2015. The site also falls within the Donegall Road HMO Policy Area as set out within the HMO Subject Plan for Belfast City Council area.</p>
9.2	

9.3	<p>The SPSS advises that planning permission ought to be granted for sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance. The area of acknowledged importance in this case are set out in the above policy and guidance documentation and will be tested against the relevant policy and guidance below.</p>
9.4	<p>The proposed development falls into two distinct areas of development the change of use to create two HMO properties and the change of use to create two residential dwellings.</p>
9.5	<p><b><u>Application HMO Development:</u></b> The two units proposed for HMO use are assessed against the policy requirements of the HMO Subject Plan for Belfast City Council area.</p>
9.6	<p>The site is located within the Donegall Road HMO policy area (HMO 2/17) therefore, policy HMO 1 applies. The policy sets out that within designated policy areas planning permission will only be granted where the number of HMO units does not exceed 30% of the total number of dwelling units within the policy area. The policy document states that the level of HMO use within an area will be measured by; the number of units recorded by the NIHE at November 2004 plus any additional approval and the number of any extant permissions.</p>
9.7	<p>The figures from the NIHE database indicates that the Donegall Road policy area already exceeds the 30% limit, the quantum at the time of the 2004 database was 37%.</p>
9.8	<p>Regarding HMO use in the area it is considered that the development of the HMO units fails to satisfy planning policy HMO 1 and approval would breach the threshold even further in this area.</p>
9.9	<p>The information submitted by the applicant, consists of an unsubstantiated street survey, where the applicant went door to door to a limited number of properties to ascertain if the units were in HMO use and NIHE HMO register details. This is not sufficient convincing evidence and does not offset the policy test. The information contained within the NIHE register is not compiled for planning purposes and whilst it confirms licence numbers and addresses registered it does not necessarily equate to units in HMO use. The level of HMO use per Policy Area within the Subject Plan was presented to a formal Planning Appeals Commission inquiry where no challenge was offered against the figures for HMO use.</p>
9.10	<p><b><u>Application Residential Development:</u></b> Policy QD 1 of PPS 7 sets out the policy context to be considered when assessing residential development. The policy sets out nine key criteria to be met for a development to be considered acceptable, although in this case for change of use not all nine points will be pertinent to the application.</p>
9.11	<p><b><u>Impact on surrounding character and draft ATC setting:</u></b> Although it has been established that the policies within the addendum to PPS 6 cannot be applied to a proposed ATC it has been established that the impact on the existing character that warrants the area being considered an ATC can be considered. In this case it is considered that the proposal fails to respect the surrounding context and character.</p>
9.12	<p>The site forms a significant element of a terraced row within a proposed ATC. The proposal will result in an increase in the ridge/roof height of the site, the site being four of ten units that makes up the terrace. The change in ridge height is considered to be an anomaly within the terrace and wider area, where there is no other marked increased in ridge heights within</p>

9.13	<p>a terrace. The increase would detract from the appearance of the terrace and would also introduce an inappropriate development in terms of massing, scale and appearance.</p>
9.14	<p>The increase in the overall roof height is proposed to accommodate the provision of an additional floor level, to be served by dormer windows. The dormers are flat roofed and would be out of character for the area, other dormers within the setting are designed with traditional pitch roofs. The proposed dormers therefore will be alien to this location and would upset the rhythm of the terrace and silhouette of the roof form and detract from its architectural styling of both the terrace and surrounding area.</p>
9.15	<p>There is a previous approval on the site for nine apartments (Z/2009/1672/F) which also included an increase in ridge height, this was granted by the previous Authority and Council remains the opinion that the increase in this instance is considered to be inappropriate for the terrace and the surrounding character.</p>
9.16	<p>It is accepted that a three storey dormer end terrace building is located approximately 100m to the west of the site however this property was purpose built to terminate the terrace and was likely designed as a shop unit at ground floor with living accommodation above which was a common design feature for this period of housing.</p>
9.17	<p><b><u>Bulk:</u></b> The proposal also proposes an increase in massing of the gable and rear façade. It is considered that the increase in massing and scale of the proposed gable is inappropriate for the area as a whole and especially when viewed from Abington Drive where the inappropriate scale and bulk of the building would be read to its fullest extent.</p>
9.20	<p>The justification and amplification of the policy states that notwithstanding the broader policy to promote more housing within the urban areas, proposals in primary residential parts of the designated area which involves intensification of site usage or coverage will not normally be accepted. The proposal with an increase roof height and rear extension designed to accommodate an additional floor level will introduce a significant level of intensification of the site.</p>
9.21	<p><b><u>Private amenity:</u></b> Policy QD 1 also requires the provision of adequate private amenity space, properties which contains three or more bedrooms being considered as family homes. The guidance document Creating Places speaks of an average private amenity space of 70sqm and no space under 40sqm. The proposal fails to provide 70sqm for the proposed dwellings with the domestic residential units having a dedicated space of approximately 50 and 40sqm and the proposed HMO units having less. However, the surrounding context is of high density, inner city housing with no front gardens, houses opening directly onto the street and only a limited yard area to the rear. The amenity space to be provided is separated from the curtilage of the dwellings by a service alleyway. It is recognised that other housing within Donegall Road area e.g. Abington Drive and beyond also fails to meet the standards as set out in the guidance. Having regard to the surrounding context the limited private amenity space is considered to be acceptable notwithstanding the separation between the area and the dwellings.</p>
9.22	<p><b><u>Parking:</u></b> The site is within the urban area and on an Arterial Route and benefits from ease of access to public transport. No incurtilage parking is proposed for the development and whilst DfI Roads Service was consulted on the proposal they have failed to respond within a significant timeframe. The decision to refuse permission is not dependent on DFI Roads Service comments, parking within the vicinity of the site is generally on street parking and the area is very accessible.</p>

9.23	<p><b><u>Impacts on neighbouring dwellings:</u></b> The proposal should not significantly impact on neighbouring dwellings in terms of overlooking or noise disturbance. However, there is a significant potential for the increase in height of the roof and rear return to impact on the attached neighbouring dwelling no.161. In regards to natural lighting the rear of this building is already compromised with the existing rear returns of the neighbouring dwelling to the east (no.159) and that of the site to the west.</p> <p><b><u>Security:</u></b> The design of the proposal has the potential to also cause an issue regarding security as the proposed kitchen windows and doors openings are to be located directly onto the service alleyway to the rear. This area, is open and the scheme proposes a rear access to the neighbouring properties within the terrace. Policy QD 1 sets out that developments should be designed to deter crime and promote personal safety. It is considered that the proposed design with ground floor windows and doors onto a service alleyway fails to meet the policy by proposing weak unsupervised points of access into the proposed dwellings.</p>
10.0	<p><b>Summary of Recommendation: Refusal</b></p> <p>The proposal fails to comply with Planning Policy Statement 7 - policy QD 1 and also fails to satisfy the requirement of The Houses in Multiple Occupation Subject Plan 2015 - policy HMO 1</p> <ul style="list-style-type: none"> <li>• The proposal is considered to represent over development of the site, being of an inappropriate scale, massing and appearance. It also fails to respect the surrounding character context with the introduction of a raised ridge height within the terrace.</li> <li>• The proposal fails to provide a design and layout that promotes safety and security</li> <li>• The proposal will result in a further increase in the number of dwellings converted to HMO use in excess of the 30% threshold resulting in an oversupply of HMO accommodation within this HMO Policy Area.</li> </ul> <p>For the stated reasons the proposal is recommended for refusal.</p>
11.0	<p><b>Refusal Reasons</b></p>
11.1	<p>The proposal is considered to be contrary to the SPPS and policy QD 1 of Planning Policy Statement 7 “Quality Residential Environments” in that, if approved, would result in an inappropriate form of development by reason of its design, proportions, scale and mass when viewed from Abingdon Drive resulting in a negative impact on the character and appearance of the area and draft ATC and by introducing raised ridge heights within an existing terrace visually upsetting the appearance of the host terrace</p>
11.2	<p>The proposal is considered to be contrary to policy QD 1 of Planning Policy Statement 7 “Quality Residential Environments” in that, the scheme fails to promote safety and security and would harm the living conditions for prospective residents</p>
11.3	<p>The proposal is contrary to Policy HMO 1 of the Houses in Multiple Occupation (HMO) Subject Plan for Belfast City Council Area 2015, in that the number of HMO dwelling units already exceeds the 30% threshold for the Donegall Road HMO Policy Area and no further HMO development is permitted.</p>