

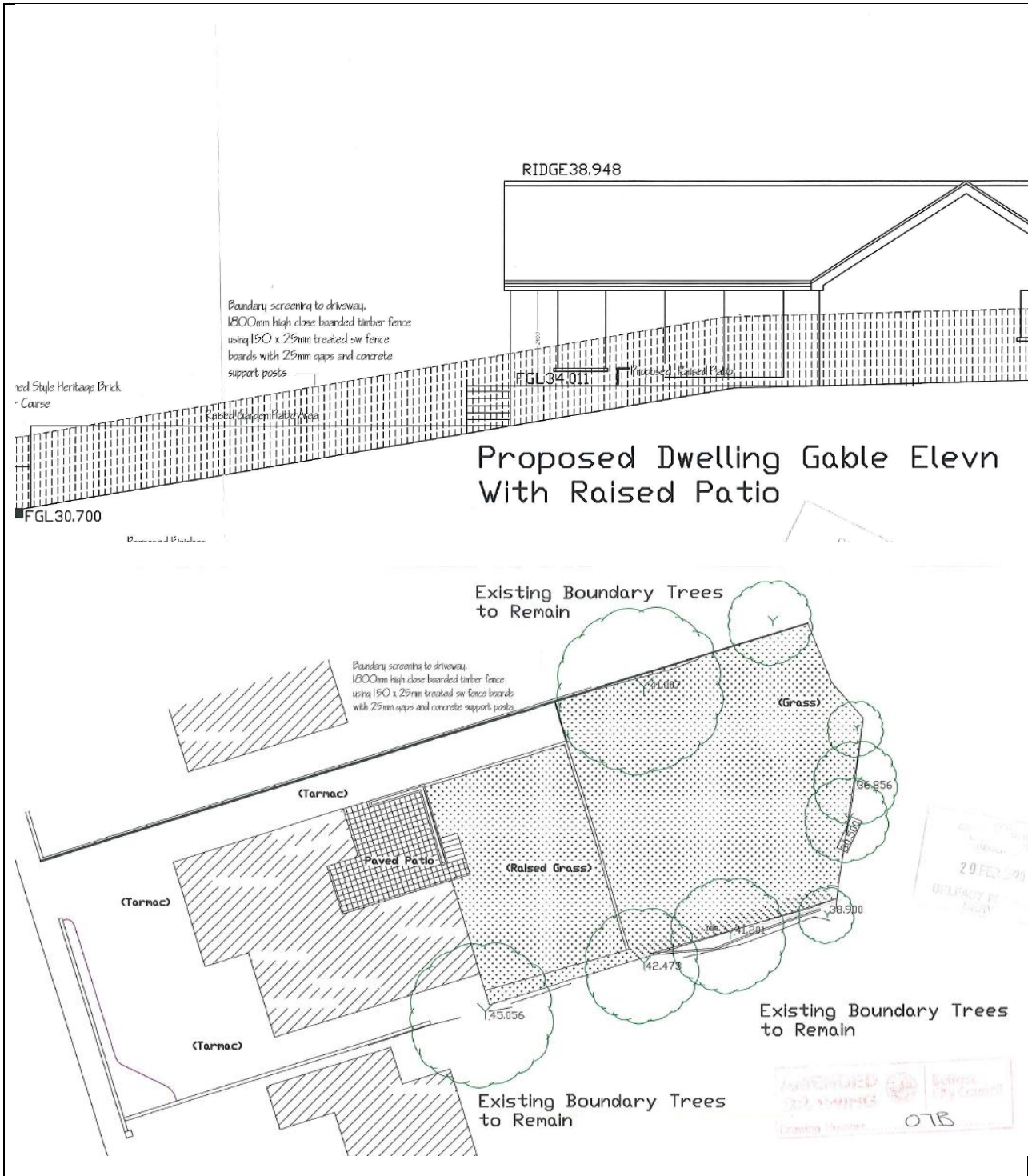
Committee Application

Development Management Report	
Committee Application Decision Date: Tuesday 21 April 2020	
Application ID: LA04/2019/2215/F	
Proposal: Boundary fencing to rear of property. Retrospective construction of a raised paved patio and raised levels to form grass patio with associated access steps and retaining walls.	Location: 14 Malone View Road Belfast BT9 5PH
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Adrian Rice 14 Malone View Road Belfast BT9 5PH	Agent Name and Address: Aidan Stott 18 Lough Road Ballinderry Upper BT28 2HA
Executive Summary The application seeks full planning permission for boundary fencing to the rear of the property and retrospective permission for the construction of a raised paved patio and raised levels to form a grass patio with associated access steps and retaining walls. The key issues to be considered are: <ul style="list-style-type: none">• The design of the proposal.• Impact on the character and appearance of the existing dwelling and surrounding area.• Impact on the amenity. 10 third party representations have been received including an Elected Representative. The original plans included a detached garage to the rear of the property which has now been removed. The majority of comments centred on the garage. All comments/ concerns have been addressed in full in the case officer report. Consultees Tree and Landscape Team – no objection. Having regard to the policy context and other material considerations above, the proposal is considered acceptable as it will not detract from the character or appearance of the surrounding area or host dwelling and its curtilage. It is considered that it will not have a significant impact in terms of neighbouring residential amenity. Recommendation: It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions, subject to no new substantive planning issues being raised by consultees and third parties.	

Case Officer Report

Site Location Plan:





Characteristics of the Site and Area

<p>1.0</p>	<p>Description of Proposed Development</p>
<p>1.1</p>	<p>The application is seeking full planning permission for boundary fencing to the rear of the property and retrospective permission for the construction of a raised paved patio and raised levels to form grass patio with associated access steps and retaining walls.</p>
<p>2.0</p>	<p>Description of Site and Area</p>
<p>2.1</p>	<p>The application site is located at 14 Malone View Road in South Belfast and consists of a single storey dwelling, finished in render with a roof of the dwelling is pitched and covered in concrete roof tiles. The dwelling at no.16 Malone View Road is separated by</p>

2.2	a boundary fence topped with mesh and black screening with sparse tree growth. There is currently no boundary with no.12.
2.3	The area is characterised by single storey residential dwellings of various scales and finishes. The site does not fall within any special designations.
	In respect of the topography of the site – Levels fall steadily towards the rear of the site.
Planning Assessment of Policy and Other Material Considerations	
3.0	Site History
3.1	LA04/2018/0079/F - 14 Malone View Road Belfast BT9 5PH - Internal alterations and extension to rear of dwelling to allow an additional bedroom and extended kitchen, dining and garden room accommodation to rear. – PERMISSION GRANTED
4.0	Surrounding Area
4.1	LA04/2017/2486/F - 10 Malone View Road Belfast BT9 5PH - 2 storey rear extension, first floor extension and elevation changes (Amended Plans) – PERMISSION GRANTED
4.2	LA04/2017/2664/F - 4 Malone View Road Belfast BT9 5PH - Single storey rear & side extension. Provision of a pitched roof to an existing flat roof garage and associated works. – PERMISSION GRANTED
4.3	LA04/2016/0836/F - 16 Malone View Road Belfast BT9 5PH - Ground floor side and rear extension. First floor front extension. Elevation changes. Pitched roof at front and 2no. front dormers. – PERMISSION GRANTED
5.0	Policy Framework
5.1	<ul style="list-style-type: none"> • Regional Development Strategy (RDS) • Belfast Urban Area Plan 2001 • Draft Belfast Metropolitan Area Plan (dBMAP) 2015 – White Land <p>The extant development plan is 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> <ul style="list-style-type: none"> • Strategic Planning Policy Statement for Northern Ireland • Addendum to PPS7 – Residential Extensions and Alterations
6.0	Statutory Consultees
6.1	None
7.0	Non Statutory Consultees
7.1	BCC Tree and Landscape Team – No objections
8.0	Representations
8.1	<p>The application has been neighbour notified three times and advertised in the local press. The original plans included a detached garage to the rear of the property. following the first round of neighbour notification, 5 objections were received. The following concerns were raised:</p> <ul style="list-style-type: none"> • Design, size, scale and massing of the garage/ office space would be out of character with the dwelling and surrounding area. • Amenity concerns from the garage including dominance and overlooking

<p>8.2</p> <p>8.3</p> <p>8.4</p>	<ul style="list-style-type: none"> • Issues regarding the potential use of the garage and office space i.e. for commercial purposes or to convert to a house. It would appear that a building company is being run from the address with multiple building vehicles parked outside. • Garage/ office space would create precedent in the area. • Concerns regarding damage to trees along the shared boundary as a result of the garage. <p>Amended plans were received and the application was re-notified. A further 4 objections were received, mirroring the concerns listed above. And were received from the same addresses.</p> <p>As stated above, the agent amended the plans/ description to remove the garage and the application was re-notified for a final time. One representation was received from the neighbouring property, no.16 Malone View Road. The matters raised were as follows:</p> <ul style="list-style-type: none"> • Impact on amenity which regard to overlooking to the garden/ patio and living and bathroom window. <p>Case Officer Response:</p> <ul style="list-style-type: none"> • Issues regarding the garage are now not relevant given its removal from the plans. • The application is a householder application and as such any development would need to be ancillary to the main dwelling. A change of use to a commercial business is not proposed. Any unauthorised use should be reported to the Planning Enforcement Team within Council. • Whilst the garage was removed, the Tree and Landscape Team were still consulted. They have no objection to the revised proposal, further detail later in the report. • The topography of the site as well as the neighbouring sites has a steady decline to the rear. The applicant is creating a flat usable space with the majority at a lower floor level to the dwelling. There is precedent for changing levels in the area including the objector's property. It is considered that overlooking will not be to such a significant level that would cause an unacceptable impact on residential amenity. However, to ensure no direct overlooking, it is recommended that a boundary screen should be conditioned.
<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p>Assessment</p> <p>The key issues in the assessment of this application are:</p> <ul style="list-style-type: none"> - Design of the proposal - Impact on the character and appearance of the existing dwelling and the surrounding area - Impact on the amenity of the area. <p><u>Design, Character and Appearance</u></p> <p>The proposal is considered to comply with Policy EXT 1 of the addendum to PPS7 as the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing dwelling and the surrounding area. The boundary fencing will measure 1.8m in height and as such can be constructed under permitted development. The topography of the site as well as the neighbouring sites has a steady decline to the rear. The proposal has created a flat usable space. The paved patio that adjoins the rear of the dwelling has increased the level by approximately 1m and is enclosed by a low retaining wall. The change of levels to</p>

	create the raised grassed area, sits 1m below the paved area. At the rear of this raised level, it has increased levels by approx. 1.5metres.
9.3	There is precedent for raised patios/ levels in the area including the neighbouring property no.16. Given the above, it is considered that the proposal will not become an overly dominant addition to the dwelling, integrating well within the application site and will not detract from the character or appearance of the surrounding area.
9.4	<p><u>Impact on Amenity</u></p> <p>The proposal is considered to be in accordance to Policy EXT1 of the addendum to PPS7 in that the proposal will not unduly affect the privacy or amenity of neighbouring residents. The proposal will not result in any significant impact to neighbouring properties in terms of over shadowing.</p>
9.5	<p>There is currently a fence and trees along the boundary of no.16 which screens the development ensuring limited overlooking. However, it would appear that the fence with mesh and black material does not have planning permission and to protect the future privacy of no.16, should permission be granted, a condition will be placed that a privacy screen of a minimum height 1.8m shall be erected along the raised level at the boundary. With regard to the neighbour at no.12, there is currently no boundary treatment affording any privacy to either neighbour, therefore it would be difficult to determine that the proposal will exacerbate the existing situation. However, the proposal includes boundary fencing, which will help screen the development, which will also be conditioned, should planning permission be granted.</p>
9.6	<p>The proposal will also not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The Tree and Landscape Team were consulted and have "<i>no objection to revised proposal on the basis that any potential damage to existing trees will have already occurred from the already completed construction works on this and the neighbouring property at No. 16 Malone View Road.</i>" They have recommended conditions to protect a tree along the northern boundary as it is considered to add amenity value.</p>
9.7	<p>There is sufficient space remaining within the curtilage of the property for recreational and domestic purposes including bin storage.</p>
10.0	Summary of Recommendation – Approval
10.1	<p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by consultees and third parties.</p>
11.0	Conditions
11.1	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>2. The existing tree coloured in green on stamped approved drawing No. 07b, date stamped 20 February 2020 shall be permanently retained. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance without the written consent of the Council. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of this decision, another tree or trees shall be planted at the same place</p>

	<p>and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
11.3	<p>3. Where fences are proposed within the Root Protection Area (RPA) of existing trees, careful hand digging will be employed with extreme care being taken not to damage tree roots and root bark within the Root Protection Areas of all trees to be retained. Mini-pile / post foundations or equivalent shall be used in the construction of any boundary fence.</p> <p>Reason: To avoid root severance.</p>
11.4	<p>4. A boundary screen/ fencing shall be erected and thereafter retained at a minimum height of 1.8m, as highlighted in drawing no. 07B, date stamped received 20 Feb 2020.</p> <p>Reason: To protect the amenity of neighbouring properties.</p> <p>Informative:</p>
11.5	<p>1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p>

ANNEX	
Valid	20.09.2019
Date First Advertised	04.10.2019
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
16 Malone View Road,Belfast,Antrim,BT9 5PH 21 Malone Heights,Belfast,Antrim,BT9 5PG 3 Malone View Crescent,Belfast,Antrim,BT9 5PL 3 Malone View Road,Belfast,Antrim,BT9 5PH 43 Malone Heights,Belfast,Antrim,BT9 5PG 6 Malone View Crescent,Belfast,Antrim,BT9 5PL 12 Malone View Road,Belfast,Antrim,BT9 5PH	
Date of Last Neighbour Notification	28.02.2020
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 – Site Location Plan 02B – Existing Site Plan 03B – Existing and Proposed Elevations	

04B – Proposed Site Plan
07B – Proposed Landscape Plan

Notification to Department (if relevant) – N/A

Date of Notification to Department: n/a

Response of Department: n/a

Elected Representatives: Councillor Kate Nicholl – Alliance Party