

## Development Management Addendum Report

<b>Summary</b>	
<b>Application ID:</b> LA04/2021/0720/F	<b>Date of Committee:</b> 12 April 2022
<b>Proposal:</b> Subdivision of existing dwelling into two apartments with two storey rear extension	<b>Location:</b> 64 Ashley Avenue Malone Lower Belfast BT9 7BU
<b>Referral Route:</b> Referral to the Planning Committee - objection from statutory consultee	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Mr & Mrs McRoberts 4c Haddockstown Road Ballinderry Lisburn BT28 2LP	<b>Agent Name and Address:</b> William Shannon Architect Studio 27 Middle Road Saintfield BT24 7LP
<p><b>ADDENDUM REPORT</b></p> <p>The full application was previously listed for Planning Committee on 15<sup>th</sup> March 2022. The application was presented to committee due to an objection from Northern Ireland Water. Members raised the issue of potential prematurity in relation to the draft LDP Strategy and deferred the application for further information to be provided with figures of existing HMOs and flats within surrounding area in light of</p> <p>Members should read this Addendum Report in conjunction with the original full planning report</p> <p>The Local Development Plan Team were consulted and provided the following figures and information:</p> <p>Within the draft Plan Strategy, Policy HOU10 states that planning permission should only be granted for HMOs and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within a Housing Management Area (HMA).</p> <p>The data shows that there are 708 HMOs/flats/apartments and 1,171 domestic properties, so the percentage of HMOs and flats/apartments combined within the area is 60%.</p> <p>The justification and amplification text for Policy HOU10 in the draft Plan Strategy states that “In advance of the Local Policies Plan, these policies will be applied to the HMO policy areas outlined within designation HMO2 of the HMOs subject plan for Belfast City Council area 2015.”</p> <p>Therefore, in advance of the Local Policies Plan being drafted, the Plan Strategy at the point of adoption would require that the provision of Policy HOU10 be applied to the existing Policy Areas as designated in the HMOs Subject Plan - in this case Ulsterville HMO Policy Area (HMO 2/21).</p> <p>The latest available data shows that there are 529 HMO Units in the Policy Area and 1,171 domestic properties, so the percentage of HMOs in the Policy Area is 45%. As the application is not for HMO units policies contained within the Belfast HMO Subject Plan 2015 do not apply.</p>	

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

The application is compliant with current policies set out in the SPPS and PPS7 Quality Residential Environments and the Addendum to PPS7 PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.

At this stage significant weight remains with the existing policies considered within the report and with which the application complies. Therefore the recommendation to Approve is unchanged.

**Recommendation**

Approve subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions.

## Committee Report

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<b>Referral Route:</b> Referral to the Planning Committee - objection from statutory consultee	
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<b>Executive Summary:</b> The proposal is for the subdivision of an existing dwelling into two apartments with a two storey rear extension. An apartment on each floor.  <b>Area Plan</b> The surrounding area is residential. The only designation is that the site is located within the Lisburn Road draft Area of Townscape Character as designated in dBMAP (2014).  The application is brought before committee as NIW object to the proposal.  The key issues to be considered are: <ul style="list-style-type: none"><li>• Principle of dwelling in this location</li><li>• Character/Layout/Design</li><li>• Private amenity/landscaping</li><li>• Access/Parking</li><li>• Impact on neighbouring amenity</li><li>• Impact on established residential area</li><li>• NI Water consultation response</li></ul> The area displays both dwelling houses and apartments as well as conversion to apartments and therefore in principle the conversion is acceptable. The scale and massing of the extension is considered sympathetic with the existing dwelling and surrounding area. The internal space standards are exceeded, and the private amenity space provided is also well in excess of that recommended.  NI Water have not recommended refusal but they state that public foul and public storm capacity is not available at present to service the proposed development.	

No supporting data or information has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.

The applicant has been advised to liaise with NIW and NIW advise they intend to upgrade the Waste Water Treatment Works. The proposed apartments contain 3 bedrooms which is the same as the existing dwelling, the maximum no. of occupants is therefore not being increased. Whilst it is acknowledged that each apartment will have its own kitchen/toilet which may generate more waste water, it is considered that the modest scale of the scheme presents a significantly like for like proposal which will not exacerbate the impact on the waste water system to a level that would warrant a refusal. The applicant is currently in discussions with NI Water regarding a potential solution. It is considered that the issue can be resolved by means of a pre occupation condition.

It is also noted that NI Water has a duty to connect significant committed development across the city to its waste water infrastructure. Such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will not all come forward at once and some may not come forward at all.

In those circumstances it is considered unlikely that the proposal would result in a significant impact on waste water infrastructure over and above the existing use of the site. It is also considered unreasonable to conclude that the proposal, either of itself or in combination with other development, would likely have significant impact on protected environmental assets including Belfast Lough.

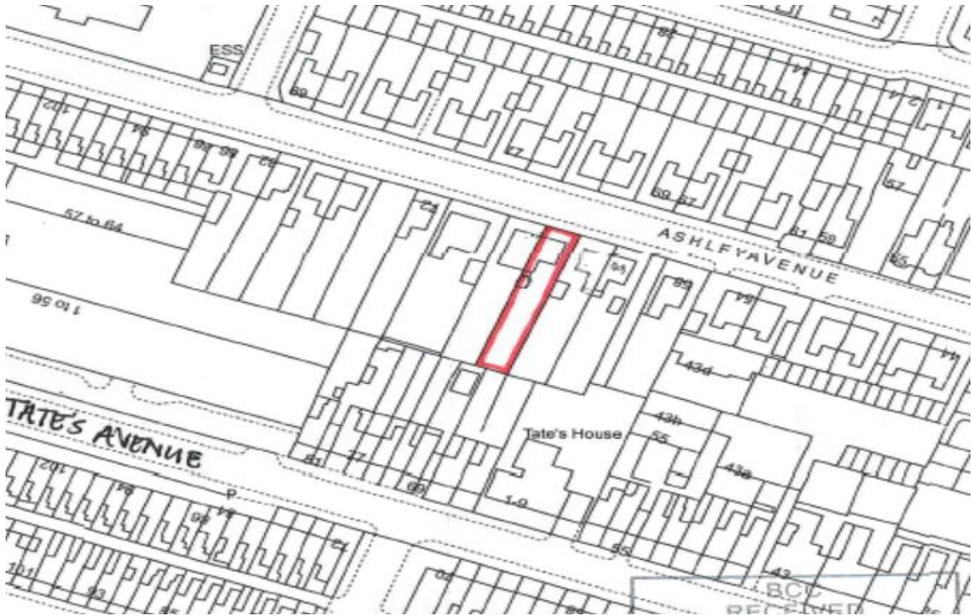
For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.

**Recommendation**

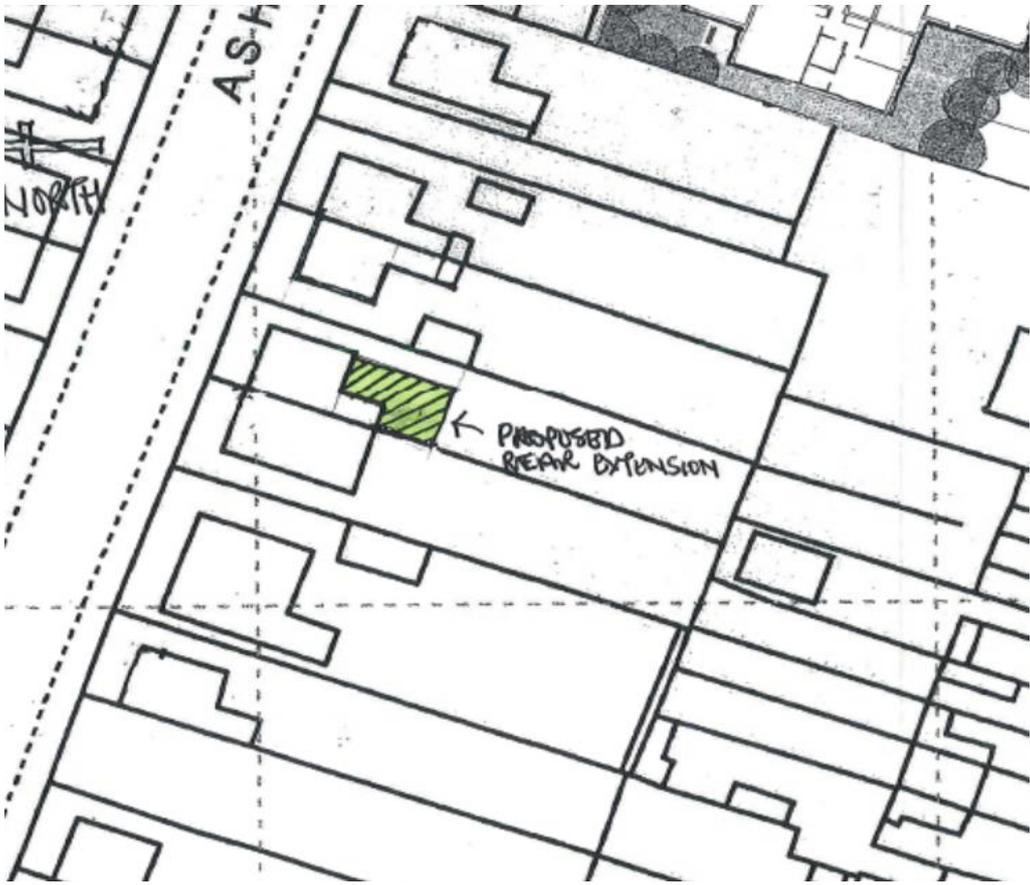
The application is recommended for approval subject to Conditions

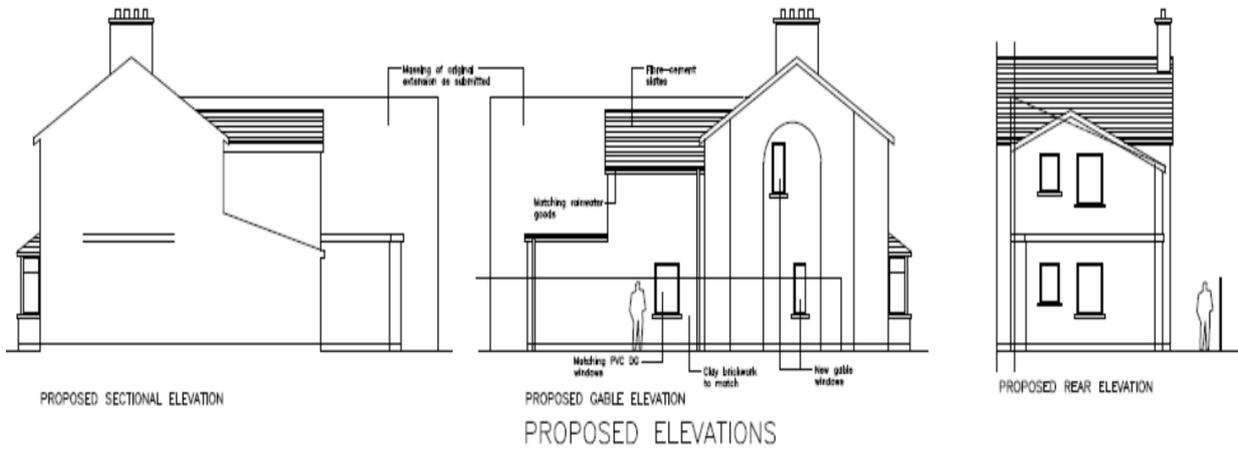
**Case Officer Report**

**Site Location Plan**

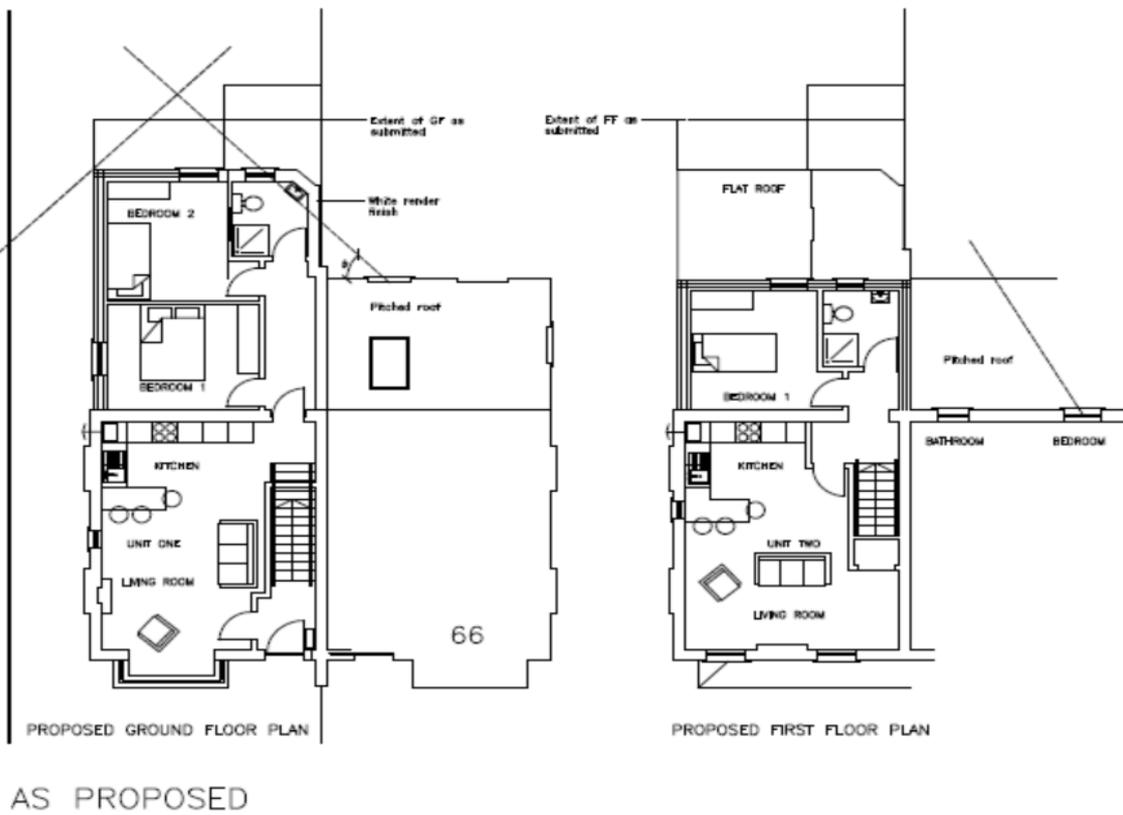


**Block Plan**





## Elevations



## Floorplans

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Subdivision of existing dwelling into two apartments with two storey rear extension.
<b>2.0</b>	<b>Description of Site</b> The site is located at 64 Ashley Avenue. The dwelling is a two storey, semi-detached, red brick property with a single storey rear return. There is a small amount of amenity space to the front and a large garden to the rear. The surrounding area is residential. The immediate surrounding area is comprised of similar semi-detached and detached dwellings, further to the east and west along Ashley Avenue is higher density terrace housing as well as apartments. The site is located within the Lisburn Road draft Area of Townscape Character as designated in dBMAP.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> Z/2001/1166/F, 64 Ashley Avenue, Malone Lower, Belfast, Northern Ireland, BT09 7BU, Extension to dwelling, PERMISSION GRANTED, 23.10.2001.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 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.  Belfast dLDP The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	PPS 3: Access, Movement and Parking
4.5	PPS 7: Quality Residential Environments
4.6	PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads- No objections NI Water- No Waste Water Capacity Available

6.0	<b>Non-Statutory Consultees Responses</b> Environmental Health- No objections
7.0	<b>Representations</b>  The application has been neighbour notified on the 6 <sup>th</sup> May 2021 and advertised in the local press on the 7 <sup>th</sup> May 2021. One objection was received and is summarised below: <ul style="list-style-type: none"> <li>• Application relies upon on-street parking.</li> </ul>
8.0	<b>Other Material Considerations</b> None
8.1	<b>Any other supplementary guidance</b> Creating Places
9.0	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	Assessment  The key issues to be considered are: <ul style="list-style-type: none"> <li>• Principle of dwelling in this location</li> <li>• Character/Layout/Design</li> <li>• Private amenity/landscaping</li> <li>• Access/Parking</li> <li>• Impact on neighbouring amenity</li> <li>• Impact on established residential area</li> <li>• NI Water consultation response</li> </ul>
9.3	It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
9.4	<b>Principle of apartments in this location</b>  The immediate surrounding area is comprised of semi-detached and detached dwellings with the exception of no. 70 which is comprised of two apartments. Ashley Avenue does contain apartment developments approximately 90m to the east towards the Lisburn Road. With consideration to Creating Places which encourages a mix of housing types as well as the surrounding area and previous approvals the principle of apartments in this location is considered acceptable.
9.5	<b>Character/Layout/Design</b>  The proposal includes a two storey rear extension which is stepped back at the first floor. The extension measures 6.45m in length at ground floor level and 3.5m at first floor level, the extension contains a pitched roof at a height of 6.1m. two apartments are proposed one on the ground floor with two bedrooms and one on the first floor with one bedroom. The scale and massing of the extension is considered sympathetic with the existing dwelling and surrounding area. The stepped back building line at first floor level ensures

	<p>the extension remains subservient while the roof form is pitched to match the existing dwelling and will sit below the ridge height.</p>
9.6	<p><b>Private amenity/landscaping</b></p> <p>Creating Places recommends a minimum of 10sq metres should be provided per apartment. The proposed apartments comply with creating places and provides sufficient amenity space with a total of 156sq m. The existing boundaries are comprised of hedgerows with a number of trees to the rear, these will be conditioned to ensure a high level of landscaping.</p>
9.7	<p><b>Access/Parking</b></p> <p>The proposed apartments rely upon on street car parking. One objection was received with concerns relating to the impact of on street parking. DFI Roads were consulted and had no objections. The proposed apartments are not of a scale which will cause an unacceptable reduction of available on street parking. The commissioner in the appeal 2017/A0126 at 70 Ashley Avenue noted an acceptable level of parking observed when on site visits. It is also considered that the site is located off the Lisburn Road which is an arterial route and avails of good public transport and readily accessible amenities.</p>
9.8	<p><b>Impact on neighbouring amenity</b></p> <p>The proposed extension will not cause an unacceptable impact on neighbouring dwellings. An angles test has been carried out and the proposal complies. It should be noted that the applicant has shown a breach of the angles test from no. 66, however the angle shown is a 45 degree angle but as the extension is single storey at the section, the 60 degree angle is appropriate. The proposal complies with the 60 degree angle. The scale and massing of the extension ensures that there will be no overshadowing or loss of light to neighbouring properties. There is one ground floor bedroom window located on the side elevation and will be screened by the existing boundary.</p>
9.9	<p><b>Impact on Established Residential Area</b></p> <p>It is considered that the proposal complies with policy LC1 of the addendum to PPS 7. Given the surrounding area consists of some apartment development the proposed density will not significantly differ. The pattern of development is common within the surrounding area and therefore will not impact the character of the established residential area. The proposed apartments comply with the space standards, the ground floor apartment is a two bed, 3 person apartment of 63sq m and the 1st floor apartment is a 1 person 1 bedroom apartment of 48sq m. The space standards require a minimum of 60sq m for the ground floor and 35sq m for the first floor.</p>
9.10	<p><b>NI Water Consultation Response</b></p> <p>NI Water state that waste water treatment capacity is not available for the proposed development. This position was confirmed with the submission of a Pre-Development Enquiry to NI Water by the applicant, the applicant advises that they continue to work with NIW to agree a solution and that they are content to accept a condition that will restrict occupation in the meantime until a solution is agreed. The proposed apartments contain 3 bedrooms which is the same as the existing dwelling, the maximum no. of occupants is therefore not being increased. While acknowledged that with each apartment having its own kitchen/toilet which may generate more waste water, it is considered that the modest scale of the scheme presents a significantly like for like</p>

	proposal which will not exacerbate the impact on the waste water system to a level that would warrant a refusal.
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>The development hereby approved shall not be occupied until the units hereby granted have obtained NI Water consent to connect to the foul and storm water system. Reason: In the interests of the environment.</li> </ol> <p><b>Informatives</b></p> <ol style="list-style-type: none"> <li>The applicant is advised to contact NIW Waterline on 03457 440088 or <a href="mailto:waterline@niwater.com">waterline@niwater.com</a>, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.</li> </ol>

<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b>	
<b>ANNEX</b>	
<b>Date Valid</b>	23rd April 2021
<b>Date First Advertised</b>	7th May 2021
<b>Date Last Advertised</b>	

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
62, 66, 71, 73, 75 Ashley Avenue, Belfast, Antrim, BT9 7BU  
The Owner/Occupier,  
65 - 71 Tates Avenue, Belfast, Antrim, BT9 7BY