

List of delegated planning applications with objections received / recommendation to refuse

Week Ending 12th April 2024

Item Number 1			
Application Reference	LA05/2023/0938/F	Date Valid	24.11.2023
Description of Proposal	Proposed rear dormer to existing roofspace conversion.	Location	7 Ilford Avenue, Belfast, BT6 9SF
Group Recommendation	Approval	Case Officer	Barbara Hanna
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
1	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Loss of privacy and enjoyment of garden	The dormer window is located 17m from the boundary which is considered an acceptable separating distance. It is therefore considered that the proposal will not cause unacceptable overlooking or loss of privacy to adjacent properties.		
Out of character with the village	There are other examples of rear dormer windows long Ilford Avenue (e.g. Property No's 3 and No.10). For this reason the proposal is not considered to be out of character.		

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Item Number 2			
Application Reference	LA05/2023/0286/F	Date Valid	30.03.2023
Description of Proposal	Dwelling	Location	1 The Hill, Queensway, Dunmurry, Lisburn
Group Recommendation	Approval	Case Officer	Sinead Mc Closkey
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
The property at 1 The Hill was demolished without notice, agreement or structural survey	The dwelling is not listed nor is it within a Conservation Area therefore planning permission is not required for its demolition nor is a structural survey.		
Elements of the structure have been left exposed to weathering over 6 winters	The site conditions at present are beyond the remit of the Planning Unit.		
Maintenance and impact on property values	<p>Concern is expressed that the site has not been maintained and has become unkept and unsightly, further impacting on property value</p> <p>The site conditions at present are beyond the remit of the Planning Unit. While the consideration of properties value is a material consideration in the assessment of an application, it is not given determining weight in this instance.</p>		
structural stability and impact on adjacent properties	<p>Concern is raised in relation to the structural stability and safety of our home and of the other 2 properties in the terrace</p> <p>Any damage incurred to other properties or land is a civil matter outside of the remit of the Planning Authority.</p>		
Request for planning conditions to be	Conditions imposed on any planning decision must meet certain legal tests and requirements.		

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<p>added in relation to 1. Structural survey of adjacent property. 2. Noise condition. 3. Roads to be repaired if damaged.</p>	<p>In this instance a condition relating to the costs of structural surveys or damage that occurred during construction will not be attached to this approval. Such a condition would not meet the legal test as required. not The issues raised are civil matters between the relevant parties that cannot be presided over by the Planning Authority.</p> <p>There is no requirement for a condition to be added in relation to noise restrictions. The Environmental Health Department of the Council were consulted and did not raise any concerns in relation to adverse noise impacts.</p> <p>DFI Roads have been consulted and have provided appropriate conditions to be attached to a decision notice, with one relating specifically to the parking provision. Any damage done to the road during construction is beyond the remit of the Planning Authority.</p>
<p>No parking provision as per the previous application – this is a cul-de-sac and 8 residents could be blocked by builders vehicles</p>	<p>The proposed layout is shown to be the same as the approved layout, under Planning Ref. LA05/2016/0843/F. Both proposed and approved layouts show parking provision for 3 cars. DFI Roads have been consulted with the application and offer no objection to the development, providing conditions to be attached to a decision.</p>
<p>As the road is not adopted any damage by builder should be made good</p>	<p>Any damage done to the road during construction is beyond the remit of the Planning Authority.</p>
<p>An engineers report is necessary to satisfy the owner of No. 2 The Hill that the party wall is structurally sound</p>	<p>Any concerns with regard to existing buildings cannot be dealt with through the planning process. This is a civil matter to be resolved between the appropriate parties.</p>

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Item Number 3			
Application Reference	LA05/2022/1052/O	Date Valid	10.11.2022
Description of Proposal	Erection of 2 detached infill dwellings with detached garages, driveway access and associated siteworks including agricultural field access.	Location	Lands between 99 and 103 Fort Road, Belfast, BT8 8LN
Group Recommendation	Approval	Case Officer	Kevin Maguire
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
2	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Objecting in principle to countryside being eroded away	The application has been assessed against prevailing policies in the Plan Strategy and is content that the proposal would represent an acceptable infill development in compliance with Policy COU8. Any further applications within the vicinity of this site will be required to be assessed against the relevant policies and other material considerations and each case will be determined on its own merits.		
Queried whether infill sites have automatic approval for building	Each application is considered on its own merits however needs to comply with the relevant planning policy which in this case is Policy COU8 of the LCCC Planning Strategy. This application has been assessed against the relevant policy provisions and has been deemed to be acceptable.		
The proposal is purely for financial gain	This issue is not a planning consideration and therefore cannot be taken into account as part of the planning assessment.		
Fort Road is not suitable for such development increase	DfI Roads have been consulted in relation to the proposal and they have raised no objections to the proposed development, either individually or cumulatively when considered against other approved applications in the vicinity.		
Disruption with building works	Construction works are of a temporary nature and would be present until the development is completed. These are considered to be normal impacts in relation to the development of land and the issue raised is		

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	<p>given little weight in the assessment of this application. This does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.</p>
Impact on wildlife	<p>The representation generally refers to potential impacts on wildlife without detailing specific examples of how and where they will be affected. The assessment has been supported by a biodiversity checklist which has outlined that the application would not have a significant impact on biodiversity/wildlife in the area. Following assessment it appears that due to the limited amount of areas of habitat and the scale of development there is a limited potential to adversely impact on wildlife habitat.</p>
Map provided in out of date	<p>The location plan submitted does show dwellings to the north west and south east of the site however in the initial plan some of these were incorrectly labelled. This has now been rectified through the latest drawing and amended site location description and has since been re-neighbour notified and re-advertised. The site has been visited and all of the buildings on the ground have been taken into account in the assessment.</p>

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Item Number 4			
Application Reference	LS05/2023/0174/O	Date Valid	23.02.2023
Description of Proposal	Proposed new dwelling with garage/storage on a farm	Location	Approximately 255 m North West of 57 Magheradartin Rd & 270 m East South East of 39 Magheradartin Road
Group Recommendation	Refusal	Case Officer	Brenda Ferguson
Reasons for Recommendation			
<ul style="list-style-type: none"> The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside. The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm. The proposal is contrary to the SPPS and Policy COU15 (criteria b, d and e) of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, it lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration. The proposal is contrary to the SPPS and Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, and it will result in an adverse impact on the rural character of the area. The proposal is contrary to the SPPS and Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological Remains. 			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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Item Number 5			
Application Reference	LA05/2023/0269/F	Date Valid	30.03.2023
Description of Proposal	Retrospective application for change of use from private dwelling (Class C1) to tourist accommodation (Class C2) with no internal or external changes	Location	2 Victoria Crescent, Lisburn, BT27 4TF
Group Recommendation	Approval	Case Officer	Laura Mc Causland
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
1	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Fire risk. No fire escape should pass fire inspection first	<p>Environmental Health have been consulted and offer no objection to the development. On consideration of detail provided by the agent no internal or external structural changes have been made to the property.</p> <p>The application relates to a change of use from a private dwelling to tourist accommodation therefore it is considered that a tourism use should not pose a greater fire risk than that of a private dwelling use at this location. The evacuation plan associated with adjoining properties is not a material consideration and has not been afforded determining weight in this assessment.</p>		
Illegal use. The owner uses property illegally	This retrospective application has been submitted to Council by the applicant to seek to regularise this planning breach.		
Noise. Noise compliant created by customers usually young people	<p>Environment Health have considered the objector's comments and offer no objection to the application. Furthermore within their response they do not indicate that any noise related incidents have ever been reported to them in respect to customers at this location.</p> <p>It is considered that the proposal complies with paragraphs 4.11 & 4.12 of the SPPS in that, there will be no adverse impact on neighbouring residential amenity in relation to a Tourism Use and associated noise at</p>		



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	this location and that Policy TOU1 has been met in that the development is deemed to be of appropriate scale and nature at this location.
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Item Number 6			
Application Reference	LA05/2020/1018/O	Date Valid	04.12.2020
Description of Proposal	Proposed site for 3 No. residential dwellings at lands adjacent to Kings Oak, Kesh Bridge, Lisburn, BT27 5RR	Location	Lands adjacent to Kings Oak, Kesh Bridge, Lisburn, BT27 5RR
Group Recommendation	Approval	Case Officer	Catherine Gray
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
39	0	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Impact of construction works/phase of development	<p>Concern is expressed that Kings Oak is a narrow road and not designed for substantial traffic and heavy construction machines, and request that if planning permission were to be granted the road would need to be kept clear of site related traffic at all times. Concerns are raised about disruption caused by construction and about the impact on children who play in the area. Concern is also raised about the impact of construction on neighbouring properties from vibrations (from piling and building works), noise and disturbance and the impact of dust and dirt on drives, cars and gardens. The view is also expressed that the disturbance caused by the movement of machinery would have a significant impact on neighbours' rights under Article 1 of the European Convention of Human rights which entitles us to peaceful enjoyment of our homes. Also concern is raised about the time taken for building to happen. Questions are also asked where in the plans does it detail site office and site storage/toilets and break facilities for site staff and where will site staff park? Concern is also raised about the stability of the neighbouring land and the impact the proposal would have on it.</p> <p>Construction related traffic and phased development is not uncommon for a development site and to be present until the development is completed. These are considered to be normal impacts in relation to the development of land the issue raised is given little weight in the assessment of this application. That said it does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.</p>		

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Legal possession	<p>The neighbours express the view that they were led to believe the site possesses possessory title and not absolute possession until December 2024.</p> <p>This is a legal/land ownership issue which is not a material planning consideration. The onus is on the applicant/developer to ensure that they own or have control of all lands to implement a planning permission.</p>
Site is outside the development line	<p>The view is expressed that the application site is outside the development limit.</p> <p>Within both the Lisburn Area Plan and the draft Belfast Metropolitan Area Plan the application site is within the designated countryside and adjacent to the Settlement Development Limit of Kesh Bridge. It is noted that the report into the Public Inquiry by the Planning Appeals Commission confirms that the site was not the subject of any representations. Taking on board the site specifics of this proposal at this location, it is considered that the proposal would be a natural rounding off of development in this area, it would not mar the distinction between the settlement and countryside and provide a more logical edge to the settlement development in this area.</p>
Increase in service strip	<p>The view is expressed that the plans detail an increase in service strip that would require the removal of 2m of the adjacent property.</p> <p>Through the processing of the application the detailed layout plans have been withdrawn from the application and for the application to be considered on the basis of the site location plan only. However, the onus is on the applicant/developer to ensure that they have ownership/control of all lands necessary to implement a planning permission.</p>
Loss of view	<p>Concern is raised about loss of view.</p> <p>The right to a view is a material consideration however in this instance it is not given determining weight.</p>
Privacy	<p>Concern is raised about loss of privacy due to new buildings overlooking current properties.</p> <p>The proposal is to establish if in principle 3 dwellings on the site is acceptable. It is considered that the site could accommodate 3 dwellings without causing overlooking into neighbours' private amenity space. The design of the proposal would be considered at Reserved Matters stage.</p>
Access, parking and traffic generation	<p>Concern is raised about the access, lack of parking areas and about traffic generation.</p> <p>The proposal has been considered against the TRA policies and is considered that the standards are achievable. DfI Roads have been consulted on the proposal and have raised no objections.</p>
Hazardous materials used for building	<p>Concern is raised about hazardous materials used for building.</p>

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	<p>The details of the materials used for construction purposes would be the subject of building control who must comply with their own legislation and building standards. This is not a concern that can be considered by Planning.</p>
Nature conservation / Impact on Chestnut tree	<p>Concern is raised about nature conservation, loss of trees and the impact on existing wildlife/protected species.</p> <p>The impact of the proposal on the existing natural features has been considered as part of the processing of the application. Existing features to be protected can be designed into the proposal at Reserved Matters stage if the outline application is approved. Natural Environment Division have been consulted and have no concerns subject to conditions.</p>
Loss of value to property	<p>Concern is raised about loss of value to property.</p> <p>Loss of value to a property is a material consideration however in this instance it is not given determining weight.</p>
Safety of children	<p>Concern is expressed about the safety of vulnerable children playing on Kings Oak Mews and that the site machinery pose huge risk to the safety and to the quality of life of children and their parents.</p> <p>Construction works are of a temporary nature and would be present until the development is completed. These are considered to be normal impacts in relation to the development of land and the issue raised is given little weight in the assessment of this application. This does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance and to ensure the safety of all residents for the duration of the works.</p>
Noise pollution	<p>Concerns is expressed about noise pollution as a result of building work and machinery.</p> <p>Construction works are of a temporary nature and Environmental Health have raised no concerns with regards to noise pollution.</p>
Negative impact on residents	<p>The view is expressed that the proposal would have a negative impact on residents and the impact it would have on the residents rights under Article 1 of Protocol 1 ECHR which entitles citizens to protection of property and the peaceful enjoyment of possessions.</p> <p>The proposal is for three domestic residential properties adjacent to residential properties. The proposed use is considered to be compatible and acceptable in principle without having a negative impact on existing residents.</p>
Loss of natural light to existing dwellings	<p>Concern is raised about loss of natural light to the existing dwellings.</p> <p>The principle of the development of housing on the site is considered to be acceptable and the specific design and layout would be considered at Reserved Matters stage.</p>

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<p>Overdevelopment</p>	<p>The view is expressed that the proposal is overdevelopment of the existing site to the detriment of the local community. And that more housing will result in increased density in a small development.</p> <p>The proposal is for three dwellings on a site of size 0.1495 hectares. This is not considered to be overdevelopment and the density is in keeping with the existing adjacent development.</p>
<p>Neighbour notification</p>	<p>The view is expressed that the residents of Kings Oak have not been consulted on this proposal.</p> <p>The Council has fulfilled its statutory obligations with regards to neighbour notification.</p>
<p>Drainage</p>	<p>The view is expressed that the sewerage and storm drains may be overloaded and that when this site was originally developed there was a problem with drains constantly blocking and they think that any other planning in the area would lend to this problem again.</p> <p>Water Management Unit and Environmental Health have raised no objections to the proposal.</p>
<p>Vegetation and trees have already been cleared from the site</p>	<p>The view is expressed that vegetation and trees have already been cleared from the site.</p> <p>Planning permission is not required for the land owner to remove any overgrown vegetation from the site.</p>
<p>Lack of information</p>	<p>The view is expressed that as the application is an outline application, there is insufficient information to assess the proposals and their impact on the development, e.g. heights, proportions, detailing and materiality of proposals and how they would compliment the existing development.</p> <p>The application is for outline permission only to establish if in principle the development of three dwellings on the site is acceptable. The detailed design and layout would be considered at Reserved Matters stage if this application is approved.</p>
<p>No new layout has not been uploaded</p>	<p>The view is expressed that neighbours have received notification of a new layout however that none has been uploaded.</p> <p>Through the processing of the application the agent has withdrawn all detailed layout drawings and for the application to be determined on the basis of the red line site location map only.</p>

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Item Number 7			
Application Reference	LA05/2023/0558/F	Date Valid	10.07.2023
Description of Proposal	Erection of replacement garage with den over and rear two storey extension to dwelling house	Location	32 Breda Road, Breda, Belfast
Group Recommendation	Approval	Case Officer	Joseph Billham
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
51	20	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Proposal is inappropriate and not subordinate in scale	The proposal provides for a high quality design that complements the dwelling. The two storey extension and garage are not considered prominent and will not dominate the dwelling and site. The height of the extension is set down from the ridge height and part set back at first floor level. The garage is square in shape and measures 7m X 7.75m with a height of 6.7m. The proposal is considered to be subordinate in scale and massing with the dwelling and capable of being accommodated on site.		
The proposal will have an impact with regards to overshadowing/loss of light	The agent has provided a loss of light test for the extension that has been met here. Part of the two storey extension has been set back and the garage has been reduced in height to 6.7m. The garage has a separation distance of over 20m to rear of the adjacent properties. It is considered there will be no detrimental impact on by way of dominance, loss of light and overshadowing. Overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission.		
Overlooking and amenity impact from garage	Taking into consideration the height of the roof light windows above 1.8m and a separation distance of 20m+ to the rear elevation of both No 30 and 34 the proposal shall not have an unduly affect by way of overlooking.		
Extension shows a large blank wall built in close	The extension does not protrude past the side elevation of the dwelling and is set down from the ridge height. The extension is considered subordinate in scale and size to the dwelling. It is considered there shall be no unduly impact on dominance on adjacent neighbours.		

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proximity to boundary	
Proposal description is misleading	The proposal description on the application form is deemed to be accurate.
Use of extension and garage as separate living unit including HMO/Airbnb	The proposal description on the application form is for the 'Erection of replacement garage with den over and rear two storey extension to dwelling house'. There is no current evidence the building will be used for Airbnb/HMO and this would require a separate planning application to be submitted to the Council.
Unclear drawings	The plans are considered to be accurate.
Overlooking issues from extension	The 2 bedroom windows on the first floor of the extension have a separation distance of between 27-32m to the rear boundary. Amended plans show part of the two storey extension has been set back. The boundary treatment here includes 2m high vertical fencing. The orientation of the window faces the rear garden. There shall be no unduly overlooking caused from the two storey extension.
Separation distance	The proposed garage is set off the south, east and north boundary by 1.27m. The extension runs alongside the shared boundary with No 30 and does not protrude past the side elevation of the dwelling and has a separation distance side to side with No 34 of 5.5m. This is considered acceptable and shall not have unduly impact on amenity.
The proposed development is inappropriate for the location, out of character and has incompatible design	The proposal is considered subordinate in size and scale with the dwelling and site that will not detract from the appearance and character of the area. The proposal encourages a high quality design that complements the dwelling. The proposal will not be visible on approach to the site and is not open from critical view points on Breda Road as this is a built up urban area.
Sets a precedent	Each application will be considered under its own merit.
Overdevelopment of site	The site is capable a proposal of this size on site and there is sufficient amenity space remaining on site.
Impact on traffic	DFI Roads have been consulted on the impact on traffic, parking and manoeuvring on site and offered no objections.