

**on an appeal to the Commission under Article 32 of the Planning (Northern Ireland) Order 1991 by Mr and Mrs Day against the refusal of full planning permission for a single storey coffee pavilion at the walled garden adjacent to Killaughey Road, Donaghadee.**

The Commission has considered the report by Commissioner Somerville and agrees with her assessment of the issues and recommendation that the appeal should succeed.

**Reasoning** – the Commission considers the level of car parking and servicing arrangements to be satisfactory for the reasons given by the appointed Commissioner. It also accepts Commissioner Somerville’s assessment that the proposal would not detract from the character of the Donaghadee Conservation Area. It so concludes, having regard to the small scale of the proposal, the incorporation of design elements which are not inconsistent with the Conservation Area as a whole, the horizontal emphasis of the building which reflects the linear nature of the wall, the use of natural materials and enhancement achieved by removal of the unkempt vegetation which limits views of the wall at present. Furthermore, the Commission considers that the proposal would not harm the setting of Manor House, a listed building, due to the separation created by topography, the public road, and the rendered wall at the back of the footpath. The Commission finds the Department has not sustained its reasons for refusal and concurs with the conditions recommended by the appointed Commissioner.

**Decision** – the appeal is allowed subject to the following conditions:-

1. The development shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until revised drawings are submitted to and approved by the Department showing (i) retention of the wall at its existing height of 4m and (ii) amendments to the entrance porch to reflect the horizontal emphasis of the building as a whole.
3. No free standing signs shall be stationed on or about the forecourt.

4. The access shall be completed and car parking provided for 6 spaces before the use commences and permanently retained in accordance with the approved drawing.
5. Details of the gates to the rear of the building to be submitted to and approved by the Department.
6. No development shall take place until there has been submitted to and approved by the Department a landscaping scheme showing:
  - ◆ The hard and soft landscaping treatment for the site.

The scheme of planting as finally approved shall be carried out during the first planting season after the occupation of the premises. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.

This decision relates to PAC2 scale 1:200 dated July 2003 Reference No. 02.121.101c except as in relation to the details of the entrance porch and the existing 4 metre height of the wall and site location map stamped refused on 3<sup>rd</sup> January 2003.

**JOHN WARKE**  
Chief Commissioner

22 October 2003