

PLANNING APPEALS COMMISSION

THE PLANNING (NORTHERN IRELAND) ORDER 1991

ARTICLE 32

Appeal by Mr. and Mrs. Day against the refusal of planning permission for a single storey coffee pavilion at Walled garden adjacent to Killaughey Road Donaghadee

Report

By

Commissioner Una M Somerville

Grid Reference: 59177 79699

Planning Service Reference: X/2002/0744/F

**Procedure: Informal Hearing
on 9 September 2003**

Report Date: 7 October 2003

pac
Planning Appeals
Commission

1.0 BACKGROUND

1.1 The Department received a valid application for full planning permission on 25th June 2002. The application was presented to Ards Borough Council at its meeting on 18th December 2002 with an opinion to refuse permission. The Council agreed with the Department's recommendation.

1.2 By a Notice dated 3rd January 2003 planning permission was refused for the following reasons:

01 The proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

02 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that the site lies within the Donaghadee Conservation Area and the development would if permitted detract from its character as it is not in sympathy with the characteristic built form of the area and does not conform with the guidance set out in the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, scale, form and massing does not respect the characteristics of adjoining buildings and does not conform with the guidance set out in the Donaghadee Conservation Area document. It would interrupt important views within the conservation area..

1.3 The appeal, received by the Commission on 10th April 2003, was advertised in the local press on 24th April 2002. One letter of objection was forwarded to the Commission.

2.0 SITE & SURROUNDINGS

2.1 The appeal site is located on the Killaughey Road close to its junction with the Millisle Road and is open to the road. It is a flat vacant site partly in use as open space and the trees and shrubs have an overgrown appearance. The north eastern part of the site comprises an open gravelled area enclosed by a 2m high wall. The rear of the site is formed in its entirety by a stone wall 4m in height and approximately 38m long which encloses a garden beyond. At the wall's mid point there is a castellated entrance gateway. The south western boundary of the site is formed by a 1m high stone wall which separates the site from the access point to the library and health centre beyond. Opposite the site at the junction with the Millisle Road is a Hall and associated grounds while immediately south of the hall is No.2 Killaughey Road a bungalow. To the north of the site is a staggered junction around which is located another Hall and the imposing period residence of the Manor House in High Street. The land rises up from the New Street junction to a rise at the Killaughey Road junction.

3.0 THE DEPARTMENT'S CASE

Reason 1- Prejudice Road Safety

3.1 The Killaughey Road is a C class Road (C253) carrying a high volume of traffic that not only serves local housing but is also a main route to Newtownards. Vehicle speeds were observed at 25-30mph, the horizontal alignment of the road is straight and the vertical alignment is

level. The witness accepted the agent's carriageway width measurement of 7.5m. The proposed access visibility splays are good.

- 3.2 The proposal has been assessed in the context of internal guidance notes from 1976 which are not available to the public and have no policy basis. Full in-curtilage parking of 8 spaces based on a seating capacity of 28 would be required to avoid parking on the roadway with 1 parking space for every 4 seats. Each space should be easily accessed at 2.4m wide by 4.8m long and a distance of 6m would be required behind to allow for turning and to avoid the need for reversing onto the public road. This guidance is set out in *Creating Places* and while this refers to residential development the guidance is nevertheless relevant and given the statements on page 150 which allows for some reduction in forecourt parking a reasonable compromise could be found as to the dimensions of the bays. PAC2 shows an increase from 3 to 6 spaces and the suggested distances are almost met however there is room to the north east of the site to push the three bays further back and improve overall manoeuvrability.
- 3.3 There are no road markings restricting parking however traffic will be slowing on approach to the junction and possible conflict may occur with service and other vehicles but the proposed access is to standard and the use of the access is not objected to. Service vehicles coming to the site will have difficulty manoeuvring. There are no public car parks in the vicinity other than the Health Centre and Library adjacent.

Reason 2 – Contrary to Policy BH12 and Donaghadee Conservation Area document

- 3.4 The site is within the development limits of Donaghadee and within the Donaghadee Conservation Area. The North Down and Ards Area Plan 1984-1995 is the most relevant plan and the site is also within the development limits as noted in the Draft Ards and Down Area Plan 2015 which is a material consideration.
- 3.5 PPS 6 refers to the importance of Conservation Areas and under Article 50 (5) of the Planning Order 1991 “special attention shall be paid to the desirability of preserving or enhancing its character or appearance”. Policy BH12 refers to new development within a CA and the Department will normally only permit proposals where all of the listed criteria are met.
- 3.6 The proposal will have an adverse impact on the setting of the walled garden which is an important feature in the townscape and has its place in the history of Donaghadee dating back to the 18th Century. The revised drawing PAC 1 shows the building further to the south and away from the castellated gateway it will still interrupt important views of this wall from a number of critical viewpoints. The site has an open aspect to the road and is visible from long distance views along Killaughey Road/Millisle Road. The pavilion would detract from the important castellated gateway feature. The walled garden makes a very firm statement in the townscape and the proposed coffee pavilion would have a detrimental impact on the setting of the walled garden.
- 3.7 The “No harm” test is accepted but there is a need to look at the present position, the context of the site and assess the proposal as to its contribution to the Conservation Area as a whole. If the site at present positively contributes to the CA it may be sufficient on its own to rule out any development on the site. As the significance of the site recedes the Department would consider proposals in the context of the site's contribution. The site provides an important area of open space both in visual terms and usable amenity space given the seating in the south western part of the site. Open space provides an appropriate setting for the walled garden which is of historic significance and as such makes a positive contribution to

the character of the CA. Although there may be some planning gain in tidying up the site and the hard landscaping could be improved to add to site the key issue is the impact on the walled garden its relationship with the Manor House and the wider CA.

- 3.8 The impact on the CA can be divided into three levels, firstly the impact on the walled garden then the Manor House then the CA as a whole. The walled garden is significant and deserving of protection. Throughout the town Victorian architecture would prevail within which sit clear Georgian elements which are set pieces. CA area character changes, it has a composite style. The Manor House is a dominant building and its garden is a secondary element and the walled garden is in turn subordinate to the Manor House. While they are visually separated the garden is still an integral part of the Manor House. The walled garden at the local level is the dominant feature.
- 3.9 The size and scale of the proposed pavilion tends to overwhelm the presence of the walled garden and of its major architectural element the castellated gateway. The sense of remoteness in character and style caused by the former and the physical dominance by the latter would contribute to erode the setting of the walled garden and in turn the more significant setting of the Manor House. The walled garden along with the listed Manor House located on the opposite side of High Street have long been associated with long term physical, historical and cultural links. The Manor House has long been the principal house of the town and home to the Delacherois family since the 18th Century. The walled garden therefore forms part of the setting of the Manor House and a development such as the proposal would degrade this setting. While the Manor House is a listed Building the Department are not relying on Policy BH 11I in PPS 6, it is the impact on the CA that is critical in this case.
- 3.10 Section 8 part III of the Donaghadee Conservation Area document refers to scale and proportion and new buildings should be of a high quality design, appropriate in terms of scale, form and materials and should sit comfortably within the context of the CA. Development should be in harmony with or complementary to its neighbours having regard to the adjoining architectural styles. The style of the proposed pavilion does not draw from or build upon the established historic and traditional character of the area nor does it possess a sufficiently developed identity of its own to contribute positively to the character of the CA. The building along with the proposed parking/servicing area would have a dominant and visually disruptive impact on the townscape. Its position on the site disrupts the symmetry of the elevation of the walled garden. All of this interrupts and impairs the view of the walled garden making the relationship between the two, the old and the new, unsympathetic and uncomplimentary detracting from rather than preserving or enhancing the present situation. The new damages the old.
- 3.11 Although the line of the wall was shown 1m lower on PAC 1 it is now contained within the framework of the wall. The wall is obscured and a design opportunity has been missed to incorporate the wall in perhaps a more modern interpretation rather than towards a pastiche as it has drawn on many elements within the CA and as a result the design is eclectic presenting a building of no particular character.
- 3.12 Design elements are not in accord given the formal Georgian and informal Victorian styles. There is no difficulty with the window alignment per se but the nature of the glazed panels is not appropriate and the porch is clearly unresolved. The entrance porch shows a conflicting element competing with the castellated gateway. While the revised drawing moves the building away from the castellated gateway and therefore pays better respect to it, the

proposal still offends. A pediment is not articulated on the proposed pavilion but a building of greater status would be expected to have one. The entrance detail infers the entrance is to a building of higher status than a coffee shop. The proposal resembles a cricket pavilion as opposed to a Georgian Orangery which were inevitably built up against a wall and not separate from the main house. Building and design elements while in isolation may be acceptable the totality of the scheme is not. A building of a different design may be appropriate. While not one design element is unacceptable in itself it is the totality of the scheme that is unacceptable.

- 3.13 While the Draft Plan may not have been a reason for refusal the decision notice is dated 3rd January 2003 and the Draft Plan was published in December 2002 it is still a material consideration. The appeal site is within a proposed Local Landscape Policy Area (LLPA) as defined in the Draft Ards and Down Area Plan. 2015 Policy CON 2 states that planning permission will not be granted to development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. LLPA 6 in proposal DE 17 refers to the appeal site.
- 3.14 Proposal DE 19 of the Draft Plan designates the site as an Historic Park, Garden and Demesne (supplementary site). It retains some of the elements of its original character and design to an extent that it remains valuable for its special historic interest. Proposal DE 17 is not a further test however “adversely affect” it is a material consideration.

4.0 OBJECTOR’S CASE

- 4.1 While a coffee pavilion may be beneficial to the town it would add to an already serious parking problem. The Killaughey Road serves the Health Centre, two schools and a large housing area, resulting in a very busy road. The walled garden is at the start of the road and although some 10 cars could park at the front off the road, getting back onto the road would be very hazardous. Due to the position of the garden, sight is restricted and traffic comes quickly around the corner from the town and the Millisle Road.

5.0 APPELLANT’S CASE

Reason 1- Prejudice Road Safety

- 5.1 Six car parking spaces have been shown on revised plan PAC 2 resulting in an unchanged building design but a slight relocation within the site moving the building away from the gateway towards the boundary of the site. Killaughey Road is used for both commuting and local movements and is subject to a 30 MPH speed limit. The width of the carriageway past the site is 7.5m and the footway crossing the site is 2.2m and there are no waiting restrictions in force. The access has good visibility in both directions and is located approximately 30m away from the junction. The revised plan shows a widened access to 6m and to use it to access the in-curtilage parking. Each space is 2.4m x 4.8m and the bays are separated by a 6m wide carriageway so that vehicles can turn into and out of them without difficulty. The parking standard for a restaurant or café is 1 space for every 4 seats plus an allowance for staff parking which in this case would require a total of 8 spaces with 28 seat capacity coffee shop. While the 1976 document is based on a common sense approach it is nothing more than internal guidance, this standard nor indeed any parking standard can be legitimately applied. However Creating Places guidance in regard to forecourt provision is met and there is flexibility to amend further if the 3 bays to the north east are moved back towards to wall.

- 5.2 Six spaces are adequate in the circumstances as a considerable number of patrons would be working in or visiting the adjoining health centre and library and it is reasonable to assume that if travelling by car they would park in the car parks there and walk to the pavilion making combined trips and not two separate trips thus reducing the demand for parking at the pavilion. However the agent is not relying on this. The proposal is on or close to main pedestrian routes and a fair proportion of its trade is likely to come from pedestrians. It is a day time coffee shop use.
- 5.3 As regards servicing virtually all small commercial, premises in towns and cities are serviced from the street. It is unreasonable to expect in-curtilage parking and turning facilities for service vehicles for a development of this scale given that the number and size of vehicles is likely to be small and in view of the fact that deliveries for a coffee shop would be daily at a time early in the morning to provide fresh produce. There is likely to be no customer parking so early and spaces would therefore be available for service vehicles. It is also likely that for much of the day some parking spaces would remain unoccupied and could easily be used by those service vans calling later. Servicing could either be from the car park or preferably via a path at the library end of the building so that the movement of supplies and in particular refuse bins would be kept away from the main pedestrian access. While the Killaughey Road can be busy at times the carriageway width of 7.5m is sufficient for the occasional service vehicle parked outside the pavilion for a few moments to not significantly interfere with the flow of traffic and indeed there are no waiting restrictions.

Reason2 – Contrary to Policy BH12 and Donaghadee Conservation Area document

- 5.4 The site is identified as whiteland in the North Down and Ards Area Plan and is outside the designated town centre boundary. The site area is approximately 340m². Donaghadee is an attractive and popular tourist resort. The appellants live in the Manor House and are seeking to modernize the use made of their estate for the benefit of the town. They intend to allow the public to make use of the walled garden which is in private ownership and the proposal will serve the public visiting it and the Library/Health Centre. Public use of the walled garden and the appeal proposal are closely linked however the Commission is reminded that it can only consider the proposal before it which relates to a coffee pavilion on the appeal site.
- 5.5 The Manor House and walled garden are described in the UK register of Historic Parks and Gardens. The basalt rubble wall which surrounds the garden is largely screened by the shrubs on the appeal site. The principal entrance to the garden is across the appeal site through a turreted and crenellated entrance that is closed to the public.
- 5.6 The appeal building has been carefully designed to reflect the relationship between it, the Manor House and the walled garden and is designed as a modern interpretation of an orangery. The earliest orangeries were built in the 17th Century and continued in popularity paving the way for the Victorian conservatory. Often built in a similar style to the main house they normally consisted of glazed windows with the fourth wall facing north and often connected to the main house. There are no obviously Victorian features in the design.
- 5.7 The proposal involves the provision of a building 15.5m by 7m with a low pitched slate roof rising about 1.5m from eaves to ridge. Most of the front and side facades will be glazed and set in timber above a basalt plinth. A building of this type responds well to the appellant's requirements and the important features of the site as it is narrow, south facing with the garden wall to the north. The interior space is uncluttered and airy. The proposal has

thoughtfully modified a general type of building, the orangery, to reflect local vernacular architecture and to give clues to its modern origin. The Manor House is one of the few buildings that could aspire to an orangery and the materials and scale are all subservient to the Manor House and the proposal does not affect the walled garden.

- 5.8 Buildings in the CA are generally modest and no domestic buildings have parapets. To this end it has been designed without the parapet that is a feature of many orangeries and its scale is modest. The materials, (slate, basalt and render) are typical in the CA and the Doric columns and portico link it to the Manor House while the roof height and pitch is similar to others in the garden buildings of the Manor House. The proposal's low height and horizontal form avoid competing with the wall and the visually important gateway and the taller listed houses in the area and will not interrupt important views of the gateway. The small simple rendered portico and entrance are designed in a plain form that differs from Georgian practice to indicate that it is a building of its time but does contain an arched doorway similar to many Georgian buildings in the town.
- 5.9 Under PPS 6 the prime policy consideration will be "preserving or enhancing the character or appearance of a CA and is further denoted under the "South Lakeland" definition of "not harming" a CA. This is the critical test and has to be applied to the CA as a whole not a portion of it. While there may be three levels of character identified by the Department they have not in effect made an assessment on the CA as a whole, they have only made an assessment on the wall itself and the Manor House. The onus is on the Department to show the harm and they have failed to do so. PPS 6 paragraph 7.3 states that "this will be the prime consideration for the Department in the exercise of its planning functions within conservation areas". The Conservation Architect is mistaken in his design criticisms and his application of the policy test of "no enhancement". Having applied the wrong test the wrong conclusion has been reached. The proposal has been carefully designed to reflect the relationship between it, the Manor House and the walled garden.
- 5.10 While the CA is broken down into eight sub areas the appeal site is most likely to fall within the area High Street/New Street however the reality is that the appeal site is detached by the walled garden for the main part of this area and does not reflect its general character. The CA is a very diverse area but there is a broad consistency in regard to scale and the proposal falls clearly within this. There are no formal planned views in the town and the critical views of the site are limited to the Killaughey Road travelling in both directions where the site will only be glimpsed in passing. The site is an eyesore located prominently at the southern entrance to the town centre and views of the wall and CA are currently obscured by overgrown vegetation and would be enhanced by removing this overgrown vegetation and replacing it with a building of interest that has been specially designed unlike any other building but with enough references that tell an interesting story. Because the wall is not a listed building there is no requirement to preserve its setting. By creating an attractive and appropriate building that attracts people to the area will certainly not harm the character or appearance of the CA. The document in states that new development should have regard to the scale of existing buildings by ensuring that the elevations of new buildings respect the architectural rhythms of the street. PPS 1 paragraph 59 is relevant in that development should be permitted unless it will cause demonstrable harm to interests of acknowledged importance.

- 5.11 The reasons for refusal must be fully explained and they did not include any reference to the Draft Area Plan despite being published before the reasons for refusal were issued. The Draft plan has little weight in regard to proposals and policies that have been objected to and the proposal to designate the subject area as a Local Landscape Policy Area LLPA 6 and a Historic Park, Garden and Demesne DE 19 are in fact the subject of objection. Proposal DE17 relates to a series of associated listed buildings and their surroundings that includes the Manor House and policy CON 2 states that planning permission will not be granted to proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Planning policy in relation to these areas is in PPS 6 Policy BH6 and in relation to supplementary parks it simply states that the Department will consider the need to retain distinctive elements of such site as features within the changing landscape.
- 5.12 No harm is alleged to the setting of the listed buildings in the immediate area or the LLPA, the HPGD or the AAP as the proposal causes no harm it is entirely appropriate in this area.

6.0 CONDITIONS

- 6.1 The Department tabled a list of conditions on a without prejudice basis which included the following:
- Opening hours and use restricted to 8am to 8pm
 - No retailing or other operation shall commence until hard surfaced areas have been constructed and these hard surfaced areas shall not be used for any purpose at any time other than for the parking and movement of vehicles.
 - No goods, merchandise or free standing signs shall be stationed on or about the forecourt
 - Full details of tree and shrub planting to be provided
 - If within a period of 5 years any tree, shrub or hedge is removed, uprooted or destroyed or dies another tree etc shall be planted.
 - Bins and storage area to the rear should be screened and gates could be provided at either end of the building and agreed by the Department.
- 6.2 The appellant agreed with all the above and was happy to add hard and soft landscaping into the wording of the landscaping condition. The appellant indicated an inaccuracy in the height of the wall as shown at 3m on Plan PAC 2 which should be 4m and agreed to provide an accurately drawn plan.

7.0 CONSIDERATION

Preliminary Point

- 7.1 As I stated at the hearing it is not acceptable to furnish the Commission with inaccurate drawings and it is a matter of concern that the elevation showing the height of the existing wall at 3m was 1m short of its actual height at 4m. Having ascertained this at the hearing it was agreed that in the event of an approval an accurate drawing would be re-submitted to the Department.

Reason 1 – Prejudice to road safety

- 7.2 The Department's reliance on a 1976 internal guidance note as the basis for applying parking standards is not set in a policy basis and I therefore agree that the weight to be attached is minimal. However I disagree with the agent's assertion that no standards should be applied.

Clearly there needs to be some measure of balance to both the number and dimensions of the car parking spaces provided. When taking the 1976 standard the Department have arrived at 8 spaces including provision for staff parking (on a capacity of 28 seats with 1 car parking space per 4 people). Given that 6 spaces are shown and that there are no parking restrictions on the road I do not find a deficit of 2 spaces to be critical. The Department indicated that with minor adjustment the drawing could adequately show the required dimensions which would allow exiting the site in forward gear, having examined the drawing I find that the dimensions suggested in supplementary guidance "Creating Places" is already achieved at 2.4m x 4.8m with a 6m separation however it was suggested that moving back the three bays to the north east of the site towards the 2m wall would have the additional benefit of further opening up views of the castellated gateway necessitating the removal of the landscape strip. I judge this to be unnecessary in the context that the gateway will already be visible and its visual prominence will not be affected and that the landscape strip adds some measure of balance at that end of the site.

7.3 As regards the servicing arrangements I note that the nature of the proposal as a coffee shop is likely to generate vehicles small in number and size that they could be accommodated within the site given the early nature of their deliveries. In any event if difficulties arose within the curtilage I acknowledge the lack of restricted parking and the normal practice of road side deliveries in small commercial premises.

7.4 The appellant indicated that patrons are likely to combine visits to the adjoining Health Centre and car park but sought not to rely on this and having visited the site and witnessed the car park at full capacity I do not judge this a likely source. In any event the provision of 6 spaces is satisfactory given that the guidance is flexible and not mandatory. While the objector raised concerns about sight lines I note the Roads Service satisfaction with the visibility splays and having visited the site I judge them to be acceptable nor do I have any concerns over traffic speeds as traffic is slowing on approach to and from the junction. The Department has therefore not sustained the first reason for refusal.

Reason2 – Contrary to Policy BH12 and Donaghadee Conservation Area document

7.5 No harm to the character or appearance of the CA is the test that has to be applied and I agree with the agent that the onus is on the Department to demonstrate what the harm will be in this case. Having attempted to divide the area into three, the impact on the wall, on the Manor House and on the CA as a whole the Department concluded harm would result. I will first examine the impact on the Manor House and the wall and then conclude on the overall impact to the CA under the following bullet points.

- Guidance within the CA document states that new development should have regard to the scale of existing buildings. The impact on the Manor House is limited given its visual separation from the appeal site. As regards scale, the pavilion is 98m² and single storey, it is therefore subservient to the Manor House which is a very large two storey imposing building but notwithstanding the differences in size the visual separation of the two is critical and I will comment in more detail on this issue later under setting of a listed building.
- The Department stated that the proposal would overwhelm the wall and particularly its main architectural feature the castellated gateway. In my view the impact on the wall itself is not harmful given that views are limited and that it is currently obscured by unkempt vegetation. The revised proposal has moved the building even further away from the

castellated entrance and views will not be compromised. The limited scale and massing of the building in its context, is of a frontage elevation of approximately 15m against a run of wall of almost 40m in length together with the ridge height of 4m consistent with the top of wall at 4m where the castellated gateway will project above the line of the pavilion, the key architectural feature is in fact protected and given visual expression within the site. The small scale nature of the proposal at 98 m² within a site of approximately 340m² cannot be taken to be overwhelming. The Department acknowledged that the proposal was visually contained within the framework of the wall so when taken in isolation the impact on the wall is not in my view harmful.

- The design elements were acceptable in principle to the Department rather it was their combination that caused harm. I do not find the design elements to be inconsistent with the CA as a whole in regard to the proposal's horizontal emphasis in the context of a long narrow site and this linearity is in keeping with the wall. The use of natural materials is a very positive aspect of the design and could indeed be seen to enhance views on arriving into the CA.
- The architectural style was disputed as being neither a modern interpretation offering quality design in its own right nor a proper reworking of Georgian and Victorian elements. Whether or not it is viewed as an modern interpretation of an orangery is largely irrelevant what is critical is whether or not the visual impression of the proposal in its, form, scale massing and elemental design is appropriate and will not harm the character and appearance of the CA.
- While I accept the proposed entrance is designed to compliment the castellated gateway I agree with the Department that it is out of character with the design concept as an orangery. The entrance porch should reflect the overall horizontal emphasis of the building and not breach eaves level. This is a detail that can be covered by a condition.
- The whole geographical area must be considered when examining the impact on the CA and the Department failed to make a full assessment on the wider area rather focussing too narrowly on the local impact on the wall and Manor House. While they are important elements they do not form the CA in its entirety. The size of the Donaghadee Conservation Area is both physically extensive and diverse in nature with eight sub-divided areas and while there are unifying characteristics there is also an eclectic mix of Georgian and Victorian architectural styles. The scale of the proposal in this wider context is unexceptionable.

7.6 I have not therefore been persuaded that the proposal is contrary to Policy BH 12 and the guidance within the Donaghadee CA document given that the proposal is acceptable at all three levels. While these issues formed the substance of the second reason for refusal other material considerations were raised.

7.7 Despite the Department's reference to the setting of the Manor House, which is a listed building, they did not seek to rely on Policy BH 11 as a reason for refusal. However given the statutory duty enshrined in Article 45(1) I must examine this issue. The Planning Order states that the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The walled garden is not part of the listing and while accepting that historically the garden and Manor House are inextricably linked there is visual separation and severance

of the appeal site from the Manor House. The visual separation is created by three elements firstly topography where the Manor House sits at a low point along High Street and the land rises up towards the junction with the Killaughey Road, secondly the road itself which divorces the Manor House from the garden and thirdly the rendered wall at the back of the footpath. I do not find therefore that the proposal would harm the setting of the Manor House nor be contrary to Policy BH 11 as the first criterion (a) requires some form of visual association but in any event the proposal is consistent with the scale, height, massing and alignment of the Manor House while criterion (b) is fully met as the materials used are all appropriate in this area and the use as a coffee shop under criterion (c) respects the character of the setting. However to avoid any visual clutter I agree that a condition should be imposed preventing to use of the forecourt for display purposes. Details of the gate to the rear of the proposed building should be agreed with the Department. I see no need to restrict opening hours given the location of the site beside a health centre and in the vicinity of halls.

7.8 The proposals to designate the subject area as a Local Landscape Policy Area and a Historic Park, Garden and Demesne while being the subject of objection in the current Area Plan Process are nevertheless material considerations. Having concluded that there would be no harm to the character of the Conservation Area and indeed the proposal may enhance it, nor indeed is there an adverse impact on the setting of the listed building, I do not judge the proposal to be inconsistent with the draft recommendations in the Ards and Down Area Plan 2015. The Department has not therefore sustained the second reason for refusal.

8.0 **RECOMMENDATION**

8.1 I recommend to the Commission that the appeal be 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.

- 8.2 This recommendation related to the PAC 2 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 4m height of the wall and site location map stamped refused on 3rd January 2003.

Attendance at Hearing

Department of the Environment

Miss E. Maguire – Planning Service
Mr. F. Moore – Conservation Architect
Mr. R Loughran – Roads Service

Appellant

Mr. M Burroughs - Agent
Ms. P. Vasey - Architect
Mr. H. Brown - Traffic Engineer

List of Documents

Department of the Environment

'A' Statement of Case

Appellant

'B' Agent's Written Statement of Case
'C' H. Brown Statement of Case

Objector

'D' Mr. K. Matier - Resident 4 Killaughey Road