
Appeal Reference:	2023/A0086
Appeal by:	Mrs. Maura McGeeney
Appeal against:	The non-determination of an application for full planning permission
Proposed Development:	Removal of existing shopfront and the erection of a new shopfront
Location:	31 Upper English Street, Armagh, BT61 7BA
Planning Authority:	Armagh City, Banbridge & Craigavon Borough Council
Application Reference:	LA08/2023/2628/F
Procedure:	Written representations and Commissioner's site visit on 8 th August 2024
Decision by:	Commissioner Trudy Harbinson, dated 14 th August 2024

Decision

1. The appeal is allowed and full planning permission is granted, subject to the condition set out below.

Reasons

2. The main issue in this appeal is whether or not the proposed replacement shopfront would be of an acceptable design.
3. An application was submitted to Council on 4th August 2023. An appeal against failure to take a planning decision (under Section 60 of the Planning Act (Northern Ireland) 2011, (the Act)) was lodged on 23rd October 2023. The Commission, in accordance with Article 8(3) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (the GDPO) published notice of the appeal on 4th January 2024. One third party representation objected to a planning application to redevelop the entirety of the property; however, the appeal development is for a replacement shopfront only. Matters pertaining to the validity of the appeal that were raised by the third party have been addressed in the Finding issued on 12th March 2024. The Council have no objection to the appeal development proposed.
4. In the determination of this appeal, Section 45 (1) of the Act states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5. The Armagh Area Plan 2004, as amended by Alteration No.1, (AAP) operates as the relevant LDP for the area. Within it the appeal site is located within the

development limit of Armagh, within its central area and commercial area. The AAP part 33.0 *Shopping and Commerce* includes Upper English Street as one of the main shopping and commercial streets. The AAP supports physical regeneration and the renewal of the physical fabric of Armagh Central Area. The appeal site is also within the Armagh Conservation Area (CA). The AAP part 38.0 *Conservation* references a revised designation booklet for the extended CA. It goes on to state that all new development proposals within the existing and extended CA will be critically assessed to ensure that they fit well into the historic environment in terms of design and landuse. Compliance with the AAP will be addressed later in this decision.

6. The Planning Strategy for Rural Northern Ireland (PSRNI) Policy DES2 requires development proposals to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The accompanying text states that in general traditional shopfronts should be preserved and replacement shopfronts should be designed and detailed in an appropriate manner, so that the ground floor relates satisfactorily to the elevational design of the upper parts of the building.
7. The relevant policy context includes Planning Policy Statement 6 Planning, Archaeology and the Built Heritage (PPS6). The Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. It sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. In this Council area, no PS has been adopted. Any conflict between the SPPS and any policy retained under the transitional arrangements, including PPS6, must be resolved in favour of the provisions of the SPPS.
8. The SPPS at paragraph 6.18 sets out policy for Conservation Areas and generally reflects the direction expressed by Section 104 (11) of the Act which requires that, *"where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of – (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise."*
9. Section 104 of the Act and the related policy direction of the SPPS take precedence over criterion (a) of Policy BH12 of PPS 6, which requires the development to preserve or enhance the character of the area. The remaining criteria of Policy BH12 continue to apply. Criteria (b) and (c) require development to be in sympathy with the characteristic built form of the area and for the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area; criterion (d) requires the development does not result in environmental problems detrimental to the particular character of the area; criterion (e) that important views within, into and out of the area are protected and (f) that trees or other landscape features contributing to the character of the area are protected. Criterion (g) requires that development proposals conform with the guidance set out in conservation area documents.

10. The Armagh Conservation Area Extension Design Guide is material to the consideration of this appeal. The design guide was first issued in July 1981 and updated in February 1991 and April 1992 as the CA was extended. The CA has a number of distinct localities, Upper English Street, within which the appeal site is located, is within the commercial centre. The design guide states that these streets are now mostly enclosed with continuous building frontages which give the area its distinctive appearance and makes a substantial contribution to its urban character. In respect of shopfronts the guide states that a shop front must still be in scale with the facade of which it forms a part, and large horizontal windows must be subdivided by vertical bars to match the proportion of the windows above. The fascia board must not be brutally simple or oversized (spreading over the window sills above). The finishing materials used in the shopfront should not be brash, shiny or overtly synthetic so, aluminium (unless colour - coated) or PVC are not normally acceptable with painted timber still the most agreeable material.
11. The Appellant and the Council agree that the development provides an opportunity for enhancing the character or appearance of the CA.
12. The appeal proposal is for a replacement shopfront at 31 Upper English Street, a three storey, three bay terrace property. There are three equally spaced sliding sash windows to the first and second floors, those to the second floor are lesser in height. On its ground floor it currently has a shopfront with recessed central glazed timber double doors with a single pane glazed overlight and large two pane grey painted timber windows on panelled stall risers to either side. The shopfront opening is flanked by grey painted timber panelled pilasters with semi-circular detailing at top and deep shop fascia with an external roller shutter. To its right is a recessed historic green painted six panelled timber door with overlight above.
13. The Appellant advised that the shopfront is relatively modern and has been in place since 2009. At the time of my site visit the timber surrounds showed signs of deterioration typical of weather damage and there was a metal rollershutter door across the frontage. The shopfront does not currently contribute anything noteworthy to the property, its surroundings or the CA. I agree that its replacement presents an opportunity to enhance the character and appearance of the CA.
14. The replacement shopfront will be of a traditional style. The central glazed timber doors will be replaced with a recessed four panelled painted solid hardwood door, flanked by painted hardwood columns. The top two panels of the door will be glazed. There will be a single pane of glass on either side of the entrance door within a painted hardwood frame set on stall risers. These glazed panes are flanked on each end of the shopfront by painted fluted hardwood pilasters, panelled at their base and with a decorative console bracket at their top. The new shopfront is to be painted dark and light green with beige highlights to the fascia and to the flower petals and stamen on the pilasters. Lighting is to be concealed under the fascia cornice. The drawings specify that localised cement pointing will be removed and any badly decayed stones replaced. The stones and wall will be pointed in lime mortar where necessary and existing lime plaster is to be retained and repaired as necessary. The existing entrance door and overlight to the right of the shopfront is to be retained, repaired and redecorated.
15. The appellant includes historic photographs of the property which show that the shopfront now proposed is similar to the traditional shopfront that was in place

prior to the modern replacement of 2009. I consider that the proposed shopfront is sensitive both to the host property and to its surrounding townscape. It is of an appropriate design and detail. It will replace a tired shop frontage with one that is more aesthetically pleasing. Having had special regard to enhancing the character or appearance of the CA, I am satisfied that the appeal development would satisfy Section 104 (11)(b) of the Act in this respect, alongside the related provisions of the SPPS, PPS6, the CA Design Guide and PSRNI. Furthermore, for the same reasons part 38.0 of the AAP would not be offended.

16. The Council stated that the site is located within the sphere of thirteen historic sites or monuments and that HED identify four listed buildings, protected by Section 80 of the Act, adjacent to the site. They are content, having considered a previous approval on the site which included a new shopfront (LA04/2021/1415/F), that the proposal satisfies paragraph 6.12 of the SPPS, which requires that development proposals impacting upon such buildings and their settings are assessed, and Policy BH11 of PPS6, which states that development proposals that would adversely affect the setting of a listed building will not normally be permitted.
17. One of the buildings identified by the Council, 34 Upper English Street, no longer exists. With respect to the remaining three identified, I consider that the appeal development is both of a nature and sufficiently removed from the listed buildings on adjoining streets at 3 College Street (the former Elim Church) and 4 Russell Street so as not to impact their setting. The new shopfront will incorporate traditional building material and techniques similar to those found on surrounding buildings. Its detailed design respects the listed building across from and further north of the appeal site at 40 Upper English Street. Having special regard to the desirability of preserving the setting of the listed buildings, I concur that the appeal development would satisfy the provisions of the SPPS and PPS6.
18. The development proposed is compliant with the AAP and with statutory and policy requirements. The appeal shall succeed. No conditions are necessary other than the time condition as set out below.

Condition

- (1) The development shall be begun before the expiration of five years from the date of this permission.

The decision is based on the following drawings submitted with the application:

DRAWING No.	TITLE	SCALE
MCCA/21/150/PL-01	Site Location Plan	1:1250
MCCA/21/150/PL-02	Existing and Proposed Plans, Elevations and Sections	1:50
MCCA/21/150/PL-03	Shopfront Details	1:20, 1:10, 1:5
MCCA/21/150/PL-04	Demolition Drawing	1:50
MCCA/21/150/PL-05	Colour Scheme	1:100, 1:20
MCCA/21/150/PL-06	Site Layout Plan	1:200

COMMISSIONER TRUDY HARBINSON

List of Documents

Planning Authority:-	Statement of Case (Armagh City, Banbridge and Craigavon Borough Council)
Appellant:-	Statement of Case (McCreanor & Co Architects) Rebuttal (McCreanor & Co Architects)
Third Party:-	Comment on Validity of Appeal Mills Selig on behalf of James Speers