

Appeal Decision

4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710

E: info@pacni.gov.uk

Appeal Reference:	2026/A0022.
Appeal by:	Paul Feenan.
Appeal against:	Refusal of full planning permission.
Proposed Development:	Retrospective application for garden room to side garden.
Location:	3 Seaview, Ardglass, Downpatrick, BT30 7SQ.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2025/0221/F.
Procedure:	Informal Hearing on 4 th September 2026.
Decision by:	Commissioner Rachel Taylor, dated 14 th October 2026.

Decision

1. The appeal is allowed and full planning permission is granted unconditionally.

Reasons

2. The main issues in this appeal are whether the scale, massing and design of the appeal development detracts from the character and appearance of the area, including the Strangford and Lecale Area of Outstanding Natural Beauty (AONB).
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an appeal, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that regard must be had to the LDP unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for this area. In it the appeal site is located within the settlement limits for Ardglass and not zoned for any purpose. It is identified as being within the Strangford and Lecale AONB. There are no policies in the plan that are material to the appeal proposal. Accordingly, the applicable regional policy is considered below.
5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11th December 2025, the Department for Infrastructure published the SPPS, Edition 2, which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS, Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged. The SPPS retains policies within existing planning policy documents until such times as the local Council adopts a Plan Strategy (PS). No PS has been adopted for this area. The SPPS sets out transitional arrangements to be followed in the event of a conflict between

the SPPS and retained policy. The retained policies of relevance to this appeal are the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7) and Planning Policy Statement 2: Natural Heritage (PPS2). As no conflict arises between the policy provisions of the SPPS2 and retained policy in so far as it relates to the appeal proposal, the latter provides the relevant policy context.

6. No. 3 Seaview is a two storey semi-detached dwelling (with no.7) sited on a corner plot. It forms one of two pairs of semi-detached dwellings which define the entrance to the remaining similarly designed dwellings and bungalows of Seaview to their rear. The dwelling at No. 3 faces seaward towards the Strangford Road. No. 3 has a pitched tile covered roof and roughcast white render finish with brown uPVC windows and doors. There is a monopitched integral garage extension from the rear elevation and a driveway which mark the boundary between No. 3 and the dwelling at No. 5 to its rear. The amenity space for No. 3 is located to the side and front of the dwelling in the form of a grassed garden area enclosed by a 1m rendered wall.
7. Within this amenity area and to the north east of the dwelling is the appeal building. It is a rectangular, timber constructed garden room measuring approximately 4.4m by 5.1m. It has an overall ridge height of approximately 3m. It too faces seaward and towards the Strangford Road. The building has an overhanging canopy and three window openings on the Strangford Road facing elevation. It is accessed from the rear by a door facing onto the driveway and is furnished and has an electricity supply. The shallow pitched roof has a tile effect felt covering and the timber is painted a neutral green. The surrounding land use is residential, with the coast located to the east. The appeal seeks the retention of the garden room structure.
8. Despite two unsuccessful attempts by earlier occupants of No. 3 Seaview at securing planning permission for an extension, the Council remain of the opinion that it could be possible to design a side extension which is more in keeping with the existing materials of the dwelling. Whether or not this is the case, the appellant is entitled to seek retention of the in-situ structure, which shall be considered on its individual merits. The parties are agreed that the garden room has no negative amenity impact on any other property and there were no objections raised by any third parties at application or appeal stage. The appellant indicated there may be medical issues relevant, however no further details or evidence were forthcoming on the matter.
9. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where four criteria are met. It goes on to state that the guidance set out in Annex A of APPS7 will be taken into account when assessing proposals. The Council contends that the appeal development offends criterion (a) which requires the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the character and appearance of the surrounding area.
10. Whilst Policy EXT1 primarily addresses proposals for extensions to dwellings, it applies to other sheds and structures which require planning permission.

Paragraph 2.10 of APPS7 states *'other proposals for ancillary residential use which are clearly incidental to the enjoyment of the property, such as a garden room or a gazebo, will be treated on their merits within the terms of the policy'*.

11. The design of the properties of Seaview are fairly typical of that found in an urban area and exhibit a mixture of front, side and rear extensions, roof pitches and colours. Whilst the Council state that the character of the area is dominated by render finishes and tiled roofs, I find that this is not a distinctive or unique character, nor is the site located within the Ardglass Conservation Area. There are examples of timber fencing in numerous locations and cladding within the area. Whilst I acknowledge that Policy EXT1 requires the material of an extension to be sympathetic to the host dwelling, this does not mean that they have to be identical. Cognisant that this is an ancillary building and the presence of the timber within the wider area, I consider it a sympathetic material for the appeal proposal.
12. The scale and massing of the garden room is subordinate to the main dwelling and contains one modest sized multifunctional space to use for ancillary purposes. The design is akin to a summer house or chalet which is not to my mind alien to a seaside location and is designed to face the coastline. Whilst the garden room does occupy a unique corner plot, the configuration of this plot has no rear amenity provision thus its substantial front and side garden contain all of the amenity space available to the occupants due to parking and the extension to the rear of the dwelling. The adjoining semi-detached dwelling has been extended to the front, side and rear and is painted a more noticeable red colour. I am not persuaded that the scale, massing, design and external materials of the garden room are not sympathetic with the built form and appearance of the existing property and will detract from the character and appearance of the surrounding area. The Council's objections in relation to Policy EXT1 of APPS7 are not sustained.
13. The Council also had issue with the impact of the development upon the Strangford and Lecale AONB. Policy NH6 of PPS2 states that in AONB's planning permission for new development will only be granted where it is of an appropriate design, size and scale for the locality and all of the criteria a) – c) are met. The Council consider that the appeal proposal offends criterion a) in that the siting and scale of the proposal is not sympathetic to the special character of the AONB in general and of the particular locality; and c) the proposal does not respect local materials, design and colour.
14. The Council identified the appeal site as being located in Landscape Character Area (LCA) 26 for Strangford, Ards and Lecale, stated to be a sensitive coastal lowland, a natural inlet around the rocky coastline and distinctive bays with coastal scenic views. It pointed to the appeal structure facing Strangford Road, which is a coastal scenic route used by the public when enjoying the Strangford and Lecale AONB.
15. Whilst the Council consider that the appeal building is sited in a prominent position along Strangford Road, I note that it is set within an urban context, surrounded by development on either side and to its rear. The garden room is low elevation, set back from the building line along Strangford Road, and whilst there are short range views on approach along Strangford Road in both directions, the structure has a

fairly low key presence within the street scene given the above factors. Furthermore, its natural green colour, is an inoffensive neutral shade which blends into the street view and is apparent in the dwellings at No. 9 Seaview and No. 2 Whiterock Drive. I am not persuaded that from either these short range nor the long range view from across the harbour, the siting and scale of the appeal proposal detract from the AONB in general, nor the particular locality. The views of the harbour and coastline, in my judgement, remain unaffected by the presence of the garden room, including its design and materials. For these reasons I do not agree that the appeal proposal is a visually intrusive feature into a sensitive landscape setting, failing to conserve or enhance the area's special landscape qualities. Whilst it may be unusual to locate such a building in the side garden, the particular configuration of this corner plot, as well as its seaward facing aspect provide a rationale for the structure. The size of the side garden available is also not one which can be replicated in other nearby properties, thus no precedent would arise. I have not been persuaded on the evidence presented that the siting and scale of the proposal is not sympathetic to the special character of the AONB in general and of the particular locality; and the proposal does not respect local materials, design and colour. The Council's refusal reason pertaining to Policy NH6 is not sustained.

16. For the reasons given above the Council's reasons for refusal have not been sustained. The appeal shall succeed.
17. In respect to conditions the Council agreed at the Hearing that those initially suggested to remove Permitted Development rights were not necessary given the limited opportunities for domestic extensions arising from the size and layout of the site. As the structure is in-situ, no other conditions were suggested, nor would be necessary in this case.

This decision is based on the following drawings: -

Drawing No.	Title	Scale	Date Refused
425-25-01P	Plans, elevations, site plan and location map	1:50 and as indicated	2 nd February 2026

COMMISSIONER RACHEL TAYLOR

List of Appearances

Planning Authority: - Brenda Ferguson for Newry, Mourne & Down District Council (NM&DDC)
Sarah Murray (observing)

Appellant: - Francy Morgan (agent)
Paul Feenan

List of Documents

Planning Authority: - 'A' Statement of Case – NM&DDC

Appellant: - 'B' Statement of Case – Francy Morgan (on behalf of the appellant)