
Appeal Reference:	2022/A0091
Appeal by:	Mr Paul Hardy
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed replacement of no. 36 Newry Street, Kilkeel with 4 no. apartments in two blocks
Location:	No. 36 Newry Street, Kilkeel
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/1577/F
Procedure:	Informal Hearing on 21 st August 2024
Decision by:	Commissioner Laura Roddy, dated 16 th October 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal proposal would:
 - maintain or enhance the character of the Area of Townscape Character;
 - create a quality residential environment;
 - provide adequate private open space;
 - have an unacceptable adverse effect on the residential amenity of existing or proposed properties;
 - have acceptable parking provision and servicing arrangements;
 - be sympathetic to, and respect, the Area of Outstanding Natural Beauty (AONB); and
 - harm a European protected species.
3. Section 45(1) of the Planning (Northern Ireland) Act 2011 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. Section 6(4) of the Act requires that, where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) acts as the local development plan for the area in which the appeal site lies as Newry, Mourne and Down District Council has not, as yet, adopted a Plan Strategy for the district. The appeal site is within the designated town centre and settlement boundary for Kilkeel. It is also within the Kilkeel Area of Townscape Character (ATC) and the Mournes Area of Outstanding Natural Beauty (AONB). Policy KL 29 states that an ATC is designated within Kilkeel and goes on to state the key features of the area

which will be taken into account when assessing development proposals, including the key features of Newry Street. The BNMAP notes that the buildings in Newry Street are mainly two and three-storey, early to mid-19th century terraced buildings of varied style and slated roofs. Landmark buildings are the large granite 'Mid Georgian Townhouse (1799)' and the stone-built mid 19th century gothic Christ Church (Col) and tower. The appeal proposal, for two storey residential development with a slate roof would take into account the key features of the ATC as set out in BNMAP.

5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will apply until a local authority has adopted a Plan Strategy for its council area. The SPPS retains certain existing Planning Policy Statements (PPSs) including Planning Policy Statement 2: Natural Heritage (PPS2); Planning Policy Statement 3: Access, Movement and Parking (PPS3); the Addendum to Planning Policy Statement 6: Areas of Townscape Character (aPPS6); Planning Policy Statement 7: Quality Residential Environments (PPS7) and the Addendum to PPS7: Safeguarding the Character of Established Residential Areas (aPPS7). Concerns regarding Policy LC 1 of the aPPS7 were withdrawn by the Council at the hearing.
6. There is no conflict between the provisions of the SPPS and those of retained policy regarding issues relevant to this appeal. Therefore, in accordance with the transitional arrangements set out in the SPPS, the appeal should be considered in accordance with the retained policies of PPS2, PPS3, aPPS6, PPS7. Relevant provisions of the Planning Strategy for Rural Northern Ireland (PSRNI) have also been retained. Creating Places – Achieving Quality in Residential Developments (CP) and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN 8) also provide relevant supplementary planning guidance that is material to the consideration of the appeal proposal. While the Council referred to Planning Policy 12: Housing in Settlements (PPS12) Planning Control Principle (PCP) 1 and PCP2, these are not operational planning policies. The planning policy for PCP1 and PCP2 are set out in PPS7 which is already before me.
7. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment, subject to complying with specified criteria. In Conservation Areas and ATC's housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. The appeal site is in the town centre, in a mixed commercial and residential area, and therefore this part of the policy does not apply to the appeal proposal.
8. The Council raised concerns in relation to criteria (a), (c), (f), (g) and (h) of Policy QD1 of PPS7. Criterion (a) requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion (g) of Policy QD1 of PPS7 requires the design of the development draws upon the best local traditions of form, materials and detailing.

9. Policy ATC 2 of PPS6 relates to new development in an ATC. It states that the Department will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area.
10. Policy DES2 of PSRNI 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. Policy SP18 promotes high standards of siting and design within towns and villages.
11. The appeal site is located in the town centre of Killeel and includes the domestic curtilage of no. 36 Newry Street. It comprises a detached two storey dwelling with a pitched roof and a chimney at each gable end. It is finished in pebbledash and has a wooden front door with uPVC windows. There is a gate adjoining the dwelling which leads to an overgrown garden area to the rear of the property. There is a large outbuilding in the garden of a similar size and scale to the dwelling, albeit slightly smaller and with a lower ridge height. This building sits immediately adjacent to and behind the dwelling and there is a small glasshouse next to this outbuilding. While there is a building marked as 'garage' in the back corner of the existing site layout plan this appears to have been demolished by the time of my site visit, with a pile of rubble in its place.
12. The appeal site is generally rectangular in shape with the southwestern boundary of the appeal site being defined by the public footpath along Newry Street. The northwestern boundary of the appeal site is defined by a low stone wall which separates the appeal site from the adjacent property at no. 38 Newry Street and, beyond this, a much higher wall which separates the appeal site from the electrical shop at 40-48 Newry Street. The southeastern boundary is defined by a wall which separates the site from the adjacent property at no. 34 Newry Street. The northeastern boundary is defined by a stone wall which separates the site from the grounds of a listed Church. The Church and Church Hall sit behind and below the appeal site, on lower ground, and no concerns have been raised in respect of impacts on the listed building. There are large mature trees which sit on the boundary of the Church site but overhang the appeal site.
13. This part of Newry Street is characterised by predominantly two storey terraces in a mix of residential and commercial uses. The building on the appeal site is the only detached dwelling in Newry Street. The buildings on either side of the appeal site are residential properties although there are commercial uses in close proximity, including a large electrical shop. The existing buildings are of varied styles and finished in a variety of materials from painted render to pebbledash.
14. The proposed development includes the demolition of the existing buildings on the site, including the dwelling, and two new two storey buildings comprising a total of four apartments. The first block would sit on Newry Street, in a similar position and of a similar scale to the existing dwelling with a new pedestrian archway leading to the rear. The second building would be to the rear of this, in what is currently the garden area. This building would be of a similar size, scale and design to the block that fronts Newry Street. There would be a communal garden/amenity space between the two blocks and within this there would be a proposed bin storage area. Another grassed amenity area is proposed to the rear of the second block, between the building and the rear boundary of the appeal site. The buildings would

be finished in painted smooth plaster with a natural slate pitched roof and a false chimney at each gable end. Windows would be timber framed double glazed with hard wood painted doors.

15. While the Council consider the existing dwelling does not make a positive contribution to the character of the area, they consider the appeal proposal would not respect the surrounding context, particularly in relation to the layout and the proposed block of apartments in the garden of the existing site. The Council consider this to be inappropriate backland development. While the Council have some residual concerns about the block fronting Newry Street, they have stated these are resolvable. These concerns relate to the window to door ratio/symmetry as well as the broadness of the chimneys. There are no concerns about the scale, proportion or massing and appearance of either building individually. The main concerns on criterion (a) of Policy QD1 relate to the scale and layout due to the second proposed building and the landscaped areas due to the lack of amenity space. The appellant considers backland development is part of the character of the area and the ATC. They have provided a number of examples of planning permissions which they consider demonstrate that backland development is acceptable in this ATC. In respect of criterion (g) of Policy QD1, the reason for refusal relates to form and detailing only.
16. Policy QD1 of PPS7 and Policy ATC2 of PPS6 go further than BNMAP which only requires the key features of the ATC to be taken into account. Policy QD1 indicates that protecting the existing character of ATC's is paramount when assessing housing proposals in ATC's and that great care should be taken for proposals involving backland development. DCAN 8 acknowledges that demolition and redevelopment of existing houses presents the greatest challenge in terms of retaining the character and integrity of the established street scene.
17. This part of the ATC has strong street frontage with two storey, predominantly terraced, form of development with ancillary development to the rear. Some variety is observed along Newry Street as noted in BNMAP. The proposed block along Newry Street would be of a scale, massing, proportion and appearance similar to that observed along the street and would respect its context. It would therefore comply with criterion (a) and (g) of Policy QD1. The materials proposed are more in keeping with the ATC than the materials in the current building and therefore there would be some improvement to the street scene and ATC along Newry Street.
18. The rear block is designed to be of a similar size and scale to that observed along the street frontage, albeit there is no rear return proposed as with the front block. It would be almost the full width of the narrow rectangular site. The introduction of a building of this scale in the garden area of a residential plot would be out of keeping with the surrounding context and that observed in the ATC. While there is currently a substantial outbuilding to the rear of the existing dwelling, it is clearly ancillary to the dwelling due to its simple form and design. This would not be the case for the proposed rear block which is clearly residential. A fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment. DCAN 8 indicates that backland development on plot depths of less than 80m is unlikely to be acceptable. In this case, the depth of the plot is approximately half of this. This reinforces my conclusion that the

introduction of the apartments to the rear would not result in a quality residential environment.

19. Although I consider the demolition of the existing dwelling and replacement with the front block would maintain the integrity of the streetscape, with a design and use of materials which are more in keeping with the ATC, this is not sufficient to override my concerns regarding the introduction of the rear block and this form of backland development in the ATC. Therefore, I find that the proposal in its entirety would not respect its surrounding context and would not be appropriate to the character of the area particularly in relation to the layout and scale of the development proposed. It would not maintain or enhance the character of the ATC.
20. While the appellant referred to housing at Seatown Court, some 50m from the appeal site, this is outside the ATC and does not form part of the character of the ATC. It was also approved in 2009 by a different authority and prior to adoption of the BNMAP and the ATC designation. I therefore give this development little weight in my assessment.
21. Some other examples of backland development in the ATC were provided by the appellant (P/2002/1694/F, associated LA07/2020/1194/F and P/2007/0888/F). Only a limited amount of information was provided in relation to these decisions. While some had associated amendments approved more recently, the original consents were between 2003 – 2010, prior to both the ATC designation and BNMAP. The policy context was therefore different to the appeal before me. In the one example which was approved more recently (LA07/2021/0596/F), in a similar policy context and by the same authority, the Council considered the site already had backland development and it did not result in new backland development. This is distinguishable from the appeal proposal.
22. The approvals referred to above may comprise backland development within the ATC, but most of the consents were decided in a different policy context and by a different authority. All are distinguishable from the appeal proposal. They comprise a small number of sites within the ATC overall and I do not agree with the appellant that the character of the ATC includes backland development. These approvals do not justify the approval of the appeal proposal which I have found would not maintain or enhance the character of the ATC.
23. For the reasons stated above, I find that the appeal proposal would not respect its surrounding context and would not maintain or enhance the character of the ATC. While the proposal would draw on the best local traditions of materials and finishes, the form of the proposal would not due to the introduction of the development to the rear. For the reasons stated, the development would be contrary to criterion (a) and (g) of Policy QD1 of PPS7, Policy ATC2 of PPS6 and DES2 and SP18 of PSRNI.
24. Criterion (c) of Policy QD1 of PPS7 requires adequate provision is made for public and private open space and landscaped areas as an integral part of the development. The Council consider the appeal proposal fails to provide sufficient private amenity space. Although 267m² amenity space is annotated on the plans, the Council consider this figure is significantly reduced when pathways and bin storage areas are removed. Further, they consider the site is hemmed in by other

development and would be overshadowed particularly in the northernmost amenity space. Overall, the Council consider the level and nature of communal amenity space to be unacceptable. The appellant considers that when the bin storage area is removed there is still over 40m² open space per apartment (182m² total) and this is sufficient for the proposed development. They also argue that there are a number of nearby leisure facilities and open spaces that residents could use.

25. The guidance in CP, although not policy, indicates that 10m² – 30m² per unit of private communal open space would be acceptable for apartment development. This gives a range of 40m² – 120m² for the proposed development. The appropriate level should be determined having regard to the particular context of the development and the overall design context. Developments in inner urban areas and high density areas will tend towards the lower figure. The appeal site is in the town centre although it is not in a particularly high density area. Therefore, I consider that an intermediate figure of 20m² per unit would be appropriate to the character of the surrounding area, amounting to a requirement for 80m² of private communal space.
26. The appeal proposal includes some 182m² of shared amenity space, more than double the amount I have determined to be appropriate. I agree with the Council that the northernmost amenity space, adjacent to the rear site boundary, would likely be overshadowed for most of the day and would not be a useable amenity space. It would be surrounded by built development and the trees on the boundary would result in further overshadowing. However, I consider the central amenity space would have adequate levels of sunlight, similar to other rear garden areas in the vicinity. Even with the northernmost amenity space removed (78m²) this still amounts to over 100m² amenity space included in the appeal proposal. I consider this would be of sufficient quality and quantity to provide amenity space for the development proposed given its town centre location. For these reasons, I find the appeal proposal would comply with criterion (c) of Policy QD1 of PPS7 as adequate provision is made for private open space within the proposed development.
27. The third reason for refusal relates to concerns regarding unacceptable adverse impacts on existing and proposed properties in relation to criterion (h) of Policy QD1. Criterion (h) of Policy QD1 of PPS7 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Particular concerns have been raised in respect of separation distances, overlooking, privacy and dominance on the future residents and residents of the existing properties immediately adjacent at numbers 34 and 38 Newry Street. The concerns primarily relate to the impacts from the proposed rear block.
28. CP states that on green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. The guidance also indicates that where development abuts the private garden areas of existing properties, a separation distance of greater than 20m will generally be appropriate to minimise overlooking with a minimum of around 10m between the rear of new houses and the common boundary. It goes on to state that great care will be needed in designs where new residential schemes, such as apartments,

include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m is recommended between the rear of the apartments and the common boundary.

29. While a reduction from 20m may be acceptable in certain circumstances, and it is noted that the appeal site is not a greenfield site, it is clear from the guidance in CP that where there are living rooms on upper floors, or where development abuts private garden areas, great care is needed to protect residential amenity of adjoining properties. In the appeal proposal, there would be living rooms on the upper storey of each block. The living room windows in the first block would overlook the street and are therefore not a concern in respect of privacy. The living room windows on the rear block would be just a few metres from the boundary with no. 34 Newry Street and its garden area and approximately 10m from the boundary with and garden area of no. 38 Newry Street. Given the elevated position of these windows, in a room used as a living area, and the close proximity to the boundary and garden of no. 34 Newry Street in particular, I consider there would be an unacceptable adverse impact on the privacy of existing residents by way of overlooking. In respect of proposed residents, while the separation distance between the two proposed blocks would be some 13.2m, the distance from facing windows is approximately 17m. I consider that this would be acceptable in this town centre location particularly as the windows are not directly facing.
30. The Council raised concerns in respect of the mature trees to the rear of the site on the Church lands, which they consider would result in poor living conditions for the proposed residents by way of loss of light and overshadowing. The appellant has no control over these trees as they are within the Church grounds. CP indicates that layouts should ensure that sufficient space is provided between dwellings and existing trees to prevent problems with overshadowing. Due to the height and position of the trees immediately adjacent to the northeastern site boundary, and as they overhang the appeal site, I agree with the Council that they would result in overshadowing to the rear block and an inadequate level of light in the rear rooms including the kitchen areas.
31. Concerns were also raised that no. 38 Newry Street would be 'hemmed in' by development as there is already a large building to the rear of its garden area, and that the addition of the two proposed blocks would result in an unacceptable degree of dominance. There is already a large building in the rear garden area of the appeal site which would be demolished as part of the proposed development. The large building to the rear of no. 38 immediately adjoins its garden area and is part of the adjacent building (electrical retailer). The proposed rear block would be set back further than this building and separated from no. 38 by the communal garden area. Given the distance, and the height at two storeys, I do not consider this would create an unacceptable level of dominance on no. 38 particularly as the large outbuilding on the appeal site which currently sits closer to no. 38 would also be removed. The front block of the appeal proposal would be of a similar size and scale to the existing dwelling on the appeal site and for this reason I find it would not result in any dominance on no. 38 Newry Street. The Council's concerns in this respect are not upheld.

32. The Council also raised concerns regarding noise and disturbance from the proposal due to the potential to house up to 16 adults. While this would be an intensification from the number of adults that could be accommodated in the current 3 bedroom house, I do not consider that there would be any unacceptable noise or other disturbance as a result. The site would remain in residential use with the maximum 16 adults split between four separate apartments in two separate blocks sharing communal amenity space. No persuasive evidence has been submitted by the Council to substantiate this concern.
33. Overall, for the reasons given, I find the appeal proposal would be contrary to criterion (h) of Policy QD1 of PPS7 to the extent specified.
34. The Council raised concerns regarding the parking provision and servicing arrangements. The fifth reason for refusal refers to PPS3 Policy AMP7 and concerns about parking have also been raised in the second reason of refusal in respect of Policy QD1 (criterion f) of PPS7. The Council considers that the applicant has failed to demonstrate there is adequate provision for carparking, appropriate servicing arrangements and that no exceptional circumstance exist to permit development.
35. Criterion (f) of Policy QD1 to PPS7 requires that adequate and appropriate provision is made for parking. Similarly, Policy AMP3 of PPS7 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.
36. Policy AMP 3 further states that a reduced level of car parking provision may be acceptable in any of the five identified circumstances. The appellant argues that the proposal would meet two of these circumstances as the development would be in a highly accessible location well served by public transport and that the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking. A number of examples were provided where developments were approved with no provision for car parking. The Council accept that the development is in a highly accessible location but consider it has not been demonstrated that there is spare capacity in nearby parking to facilitate the development.
37. Creating Places indicates that between 1.5-1.75 parking spaces would be required for 2 bedroom apartments, depending on whether the parking is assigned or unassigned. This would result in a requirement of some 6-7 spaces for the proposed development. No parking is proposed as part of the development.
38. No parking surveys were provided by the appellant, although they did submit a plan showing the available on street car parking provision. This includes 45 on street parking spaces in Newry Street and 70 parking spaces in the public car park along Newry Street. The Council note that the parking along Newry Street is restricted to one hour between 8am – 6.15pm (although it is available overnight) and the public car park is limited to a 2 hour stay from Monday – Saturday, with

only 51 of the 70 spaces available to the public at any time with the rest in private ownership.

39. Policy indicates that reduced parking may be acceptable when one of the specified criteria is met. The use of the word 'may' indicates that reduced parking will not always be acceptable when one of these criteria is met. It is also no guarantee that a reduction to zero parking will be acceptable in any case. Although the appeal site is located in a town centre location with good access to services, given the appeal proposal could accommodate up to 16 adults, I consider that some level of parking would be required. On the information before me, I do not consider that a reduction to zero parking for 4 no. two bedroom apartments would be appropriate. Given the restrictions on the identified on street and public parking spaces, and without a parking survey to demonstrate that there is spare capacity to serve the proposed development, I conclude that adequate parking has not been provided as required by Policy AMP7. While the appellant referred to a number of examples where zero parking was accepted by the same Council, a number of these were in Warrenpoint and Rostrevor where the public parking spaces are not subject to the same parking restrictions. Due to the limited information provided by the appellant in relation to these applications it was also unclear if parking surveys or justification for reduced parking had been provided.
40. The Council also raised concerns regarding servicing of the proposed development by emergency services and refuse collection, particularly in relation to the rear block. I am not persuaded that this would be an issue as services could be provided from the street. For the reasons given above, the Council's concerns regarding Policy AMP7 and criterion (f) of Policy QD1 are sustained in relation to the car parking provision.
41. Policy NH6 relates to Areas of Outstanding Natural Beauty (AONB's) and states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all the specified criteria are met. The Council raised concerns regarding the siting and scale of the proposal being unsympathetic to the special character of the AONB and that the proposal does not respect local architectural styles, patterns and design.
42. I have already concluded that the siting and scale of the development overall, due to the backland development, would not be appropriate to the locality of the ATC and this part of Killeel. The siting and scale of the development is therefore also inappropriate for this part of the AONB and the proposal would be contrary to Policy NH6 of PPS2. However, I consider that the design of the proposed development would be acceptable and in keeping with the ATC and this part of the AONB. The buildings would be two storey, consistent with that observed in the area, and use materials and a design which would be in keeping with the locality. The Council's concerns regarding the local architectural styles, patterns and design are therefore not sustained. The Council's third reason for refusal is sustained to the extent specified.
43. Policy NH2 of PPS2 relates to species protected by law and states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. A development proposal that is likely to harm these species may only be permitted in exceptional circumstances which are set

out in the policy. The Council's fourth reason for refusal states that the proposal is contrary to Policy NH2 of PPS2 in that the applicant has failed to demonstrate the proposal will not harm a European protected species with their concerns relating to bats. The Council considers that as the old stone building in the rear of the site is proposed to be demolished, a Bat Roost Potential Survey and a Preliminary Ecological Appraisal would be required. These were requested during the course of the application and, in a letter dated 15th December 2020, the appellant advised these would be provided. No such surveys have been provided to date. The appellant has suggested a negative condition would address this, requiring a bat survey to be provided prior to works commencing.

44. The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) make it an offence to capture, injure, kill or disturb a wild animal of a European protected species, which includes all species of bat. The same Regulations place a statutory duty on competent authorities to have regard to the impact of development on European protected species before granting planning approval. The SPPS states that the presence or potential presence of a legally protected species is an important consideration in decision-making. It supposes that if there is evidence to suggest that a protected species is present on-site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.
45. Although in an urban area, the old stone building in the rear of the site is derelict and in a rundown condition. There are large mature trees in proximity to the building and while they are on adjacent land they overhang the site. Although I did not see any obvious signs of bats during my site visit, which took place during the daytime, given the buildings age, construction, its uninhabited and run down state and proximity to large mature trees, I consider that commuting and foraging bats may be present and could roost in the building in the rear of the site. Without sufficient information to satisfy me to the contrary I cannot conclude that the building in its current state does not provide a potential habitat for bats.
46. Furthermore, as the potential effects of the proposed development are unknown, planning permission cannot be granted subject to a negative condition requiring further information to be provided. The possibility cannot be excluded that a bat survey would find that although permission had already been granted, the development would still have an unacceptable impact on bats. At the hearing the appellant referred to an example where a bat survey was required by way of negative condition. Apart from the planning reference number I have no information on this, and the Council stated that this application did not involve any demolition. Therefore, it is not on all fours with the appeal proposal and does not override my stated concerns in respect of using a negative condition to require a bat survey. Overall, given the lack of information provided on this issue the Council's fifth reason for refusal based on PPS 2 is sustained.
47. Overall, I find the appeal proposal in its totally, due to the rear block would not maintain or enhance the character of the Kilkeel ATC and that the siting and scale would not be appropriate in the AONB. It would not respect the surrounding context and would have unacceptable adverse effects on existing and proposed residents due to overlooking and loss of light. There would not be adequate

parking and insufficient information has been provided in relation to the impacts on bats. For the reasoning given, I consider the appeal proposal is contrary to PPS2, PPS3, PPS6, PPS7 and PSRNI to the extent specified. The Council's reasons for refusal are upheld, insofar as set out above, and the appeal is dismissed.

This decision relates to the following drawings:-

Drawing No.	Title	Scale	Date
Drawing 01 / 2981sp lp	Site Plan and Location Plan (Location Plan only)	1:1250	Received by Council – 12/10/18
Drawing 2981sp lp	Site Plan and Location Plan (Site Plan only)		Revision date - 10/05/22
Drawing 2981fpele Rev 1	Plans and Elevations	Scale 1:100	Revision date - 10/05/22

COMMISSIONER LAURA RODDY

List of Appearances

Planning Authority:- Ms O Rooney (Newry, Mourne and Down District Council)
Ms J McVeigh, (Newry, Mourne and Down District Council)
Ms P Manley, (Newry, Mourne and Down District Council)

Appellant:- Mr J Cole, Cole Partnership (agent)
Mr A Cole, Cole Partnership (agent)
Mr P Hardy (appellant) *
Ms A Hardy *

List of Documents

Planning Authority:- Statement of Case by Newry, Mourne and Down District
Council

Appellant:- Statement of Case by Cole Partnership

* only present for part of the hearing