
Appeal References:	2022/A0151
Appeals by:	Mr Bob Stewart
Appeals against:	The refusal of consent to display an advertisement
Proposed Development:	Painted sign on gable end of 133 Ballyskeagh Road
Location:	133 Ballyskeagh Road, Belfast
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2022/0703/A
Procedure:	Written representations with Commissioner's site visit on 8 th August 2024
Decisions by:	Commissioner Kevin Gillespie, dated 27 th August 2024

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 17th November 2022, Lisburn and Castlereagh City Council (Council) refused the advertisement consent now subject to appeal (LA05/2022/0703/A) because it was, in their opinion, contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17) and the Addendum to Planning Policy Statement 6: Areas of Townscape Character (APPS 6). The refusal of the consent was subsequently appealed.
3. Following the adoption of the Lisburn and Castlereagh Local Development Plan: Plan Strategy 2032 (PS) in September 2023, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs), including PPS 6 and PPS 17, have now ceased to have effect within this Council area.
4. In its Statement of Case, the Council referred to policies in the PS relating to advertisement consent in cases such as the appeal development namely Policy HE11 of the PS titled 'The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character' and Policy AD1 of the PS titled 'Amenity and Public Safety'.
5. Policy HE11 requires that proposals for advertisement consent in Areas of Village Character (AVC) maintain the overall character and appearance of the area. This reflects criterion (a) of Policy ATC 3 of APPS 6 which similarly sought advertisement consent maintains the overall character and appearance of the area. Criterion (a) of Policy AD1 requires that proposals for advertisement consent

respect amenity, when assessed in the context of the general characteristics of the locality. This criterion reflects criterion (i) of Policy AD 1 of PPS 17 which similarly sought that advertisement consent respects amenity. Given this, and that no prejudice would arise to the appellant because he has had the opportunity to respond to the updated position in his evidence, the appeal is therefore assessed having regard to the updated policy context as provided by Policies AD1 and HE11 of the PS.

Reasons

6. The main issue in this appeal is whether the proposal would harm the visual amenity of the area.
7. For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan so far as they are material and any other relevant factors.
8. As indicated above, in September 2023, Lisburn and Castlereagh City Council adopted its PS. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations (NI) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between the DDP and the PS must be resolved in favour of the PS.
9. The Lisburn Area Plan 2001 (LAP) comprises the departmental development plan (DDP). In it, the appeal site lies within the settlement limit of Drumbeg and an Area of Townscape Character (ATC). It also lies within the Lagan Valley Regional Park and an Area of High Scenic Value. There are no other policies in the DDP that are pertinent to the appeal. In the PS, the site is located within the development limit of Drumbeg and within an Area of Village Character (AVC).
10. Whilst the Strategic Planning Policy Statement for Northern Ireland (SPPS) remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained policies have now ceased to have effect. I now turn to the policies of relevance to this appeal in the PS.
11. Policy AD1 of the PS relates to the display of advertisements. It states that consent will be granted for display of an advertisement where (a) it respects amenity, when assessed in the context of the general characteristics of the locality and (b) it does not prejudice public safety. In this case, the objection from the Council was based solely on its detrimental impact on amenity.
12. The accompanying justification and amplification (J&A) text to the policy states that the display of advertisements is a feature of our main streets and commercial centres, often adding colour and interest. It adds that care must be taken to ensure that an advertisement will not detract from where it is to be displayed or its surroundings.
13. The J&A goes on to state that when assessing the impact of an advertisement or sign on amenity, the Council will consider a number of matters. The Council

considered that the proposed advertisement fell under four of these categories, namely, the effect the advertisement will have on the general characteristics of the area; the position of the advertisement on the host building and its scale and size in relation to that building; the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area and the design and materials of the advertisement or the structure containing the advertisement and its impact on the appearance of the building on which it is to be located.

14. The appeal site comprises the gable wall of No. 133 Ballyskeagh Road which is a bookend dwelling within a terrace of 4 No. two storey dwellings (Nos. 133 – 139 Ballyskeagh Road). The appeal property is located just inside the development limits of Dumbeg Village and forms part of the western boundary of the Drumbeg Area of Village Character (AVC). The overall terrace, which fronts onto the road, displays a simple design approach incorporating a pitched roof across its extent, a proportionate solid to void ratio and 1No. chimney positioned on the roof above each dwelling. It is constructed using a traditional materials palette of natural slate roof tiles and white painted and grey rendered external walls.
15. To the east of the terrace lies 2No. Grade B2 Listed Buildings (Nos. 141 and 145/147 Ballyskeagh Road), a two-storey detached dwelling (No. 143) and a public house known as 'Bob Stewarts' (No. 149). To the west of the terrace lies 2No. modern designed detached dwellings and garages approved under LA05/2017/0316/RM (Nos. 129 and 131 Ballyskeagh Road) beyond which lies No. 127 Ballyskeagh Road which is also a modern designed two storey detached dwelling and attached garage.
16. The appeal advertisement is positioned centrally at first floor level on the grey rendered western-facing gable wall of No. 133 Ballyskeagh Road which measures some 8.7 metres in width. The painted advertisement, which is not illuminated, comprises 3No. elements – written text, an image and a directional sign. The central part of the advertisement shows an image of 3No. flying Toucan birds of varying sizes each with 2No. pints of Guinness balanced upon their beaks. The toucans each have a black body with a white chest and an orange beak. Written text stating '*Lovely Day for a Guinness*' in red lettering and '*at Robert Stewarts Spirit Grocer*' in green lettering is positioned above and below the 3No. flying toucan birds accordingly. Positioned to the east of the text stating '*at Robert Stewarts Spirit Grocer*' are two red directional arrows both pointing northwards (upwards) beside which is written text stating '*80 yards*'. From the evidence, I note that the Council states that the image measures some 1.5 metres x 2.2 metres and the written text both above and below the image measures some 0.2 metres – 0.3 metres in height. These measurements were not disputed by the appellant.
17. When approaching the site travelling along the Ballyskeagh Road in an eastern direction, due to the position of the gable wall which is facing in the opposite direction, the advertisement would not be visible at any point. The critical view of the advertisement is therefore when approaching the site on the Ballyskeagh Road travelling in a western direction.
18. Travelling along the road from east to west, the first sight of the proposed advertisement on the upper part of the gable wall of No. 133, would be from around No. 119 Ballyskeagh Road when it would appear in the driver's peripheral

vision above the roadside hedge positioned along the length on the opposite side of this part of the road. However, whilst visible in its elevated context, it does not present as visually jarring or as a dominant feature from these more distant views because the scale, form and built extent of the 2No. detached dwellings and garages positioned in its foreground and against which the advertisement would be read are more prominent.

19. However, once the sharp bend in the road in proximity to No. 119 Ballyskeagh Road has been negotiated, from No. 121 Ballyskeagh Road onwards towards the appeal site, the advertisement becomes the more prominent feature with a significantly greater visual impact, whereas the dwellings in the foreground fade in prominence.
20. In these closer range views, the size, scale and distinctive appearance of the elevated advertisement combined with its varied colour palette, would visually jar against the adjacent traditional and modern domestic properties with their muted colour palette against which the advertisement would be read. Furthermore, given the side-on orientation of the host terrace to the road, and the fact that the position of the gable on which the sign is proposed allows for prominent views when driving from east to west towards the appeal site, I agree with the Council that the size, scale and appearance of the advertisement does not respect the traditional form and character of the terrace.
21. The appellant contends that the advertisement is partially screened by the neighbouring detached garage and landscaping such that it is not a dominant feature. However, the advertisement is prominent over a considerable distance and from No. 121 Ballyskeagh Road onwards towards the appeal site, the vast majority the advertisement would be visible. As such, the position of the neighbouring detached garage does not minimise the advertisement's unacceptable and dominant visual impact either on the streetscape as a whole or upon on the individual domestic terrace. Irrespective as to whether the advertisement has historical provenance or not, this does not outweigh my conclusions in respect of the appeal advertisement as stated above.
22. Planning appeal 2020/A0110 was cited in the Council's evidence to support its position. However, as the Council acknowledges, that appeal refers to a paper panel display and not a painted sign. Furthermore, that appeal is also within a different Council jurisdiction and subject to a different policy context. It therefore does not assist the Council's case in respect of the current appeal.
23. For the reasons identified above, it is considered that the size, scale, position and appearance of the advertisement is visually intrusive and a dominant feature which does not respect either the host dwelling or the surrounding context within this AVC in terms of visual amenity. The Council's second reason for refusal centred upon Policy AD1 of the PS is therefore sustained.
24. Policy HE11 of the PS states that in Areas of Village Character (AVC), consent for the display of an advertisement should only be granted where the overall character and appearance of the area will be maintained.
25. The J&A to the policy states that the Council will give careful consideration to the impact of the proposal on the visual amenity and overall character of the area and

that particular regard will be paid to the scale and proportions of the sign, the materials used and whether it is illuminated which, in this case, it is not.

26. The J&A states further that consent will not normally be granted for advertisements which are inappropriate to the architectural style or character of the building on which it is proposed, or which would detract from the area in general and that signage on the upper floors of buildings and the internal illumination of signs will not normally be acceptable.
27. Within the evidence, the Council's Conservation Officer states that the appeal building is located within an area of established village character consisting of a number of dispersed dwellings and community buildings dating from the 19th century through to the 21st century. He goes on to state that No. 133 Ballyskeagh Road forms a gable end to this historic residential terrace at the entrance approach to the Drumbeg AVC such that the property contributes significantly to the character of the terrace as a whole and views into and out of the AVC.
28. The appellant however contends that that the host dwelling does not exhibit strong architectural merit and that as the terrace was not specifically noted within the features/rationale for Drumbeg's designation as an AVC, the Council is overplaying its importance and contribution as part of an 'historic terrace'.
29. Whilst I agree with the appellant that No. 133 does not individually in itself exhibit strong architectural merit, and whilst neither it or the terrace are listed, I nonetheless consider that the scale, form, detailing and appearance of the terrace are domestic in character and contribute to the visual appearance and character of this part of the AVC, whereas the proposed signage is commercial and would be out of context at this location within the AVC.
30. The appellant acknowledges that because of its designation, the area is sensitive to new advertising. I agree and therefore having already concluded that the size, scale, position and appearance of the advertisement is visually intrusive and a dominant feature out of context with the host domestic building, it follows that it would unacceptably detract from the visual amenity and character and appearance of the AVC contrary to Policy HE11 of the PS. The Council's first reason for refusal is sustained.
31. Having regard to all of the foregoing and in line with the wording of the transitional arrangements in the 2015 LDP Regulations, as there is no conflict arising when reading both the DDP and the PS together, the appeal development does not accord with the LDP for the reasons stated. As both the Council's reasons for refusal are sustained, the appeal must fail.

This decision is based on the following drawings:

Drawing Number	Title	Scale	Date Received by the Council
01A	Site Location Map	1:1250	30 August 2022
02A	Proposed Gable Elevation	1:50 @ A3	30 August 2022
03	Block Plan	1:500 @ A1	30 August 2022

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:- “A1” Lisburn and Castlereagh City Council – Statement of Case

“A2” Lisburn and Castlereagh City Council - Rebuttal

Appellant:- “B1” Clyde Shanks (agent) - Statement of Case

“B2” Clyde Shanks (agent) - Rebuttal