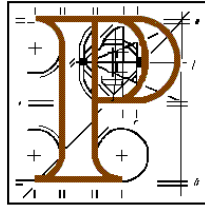

An Bord Pleanála



Inspector's Report

Development: Extension of opening hours and retention of canopy structure, The Good Room Café, Main Street, Adare, Co. Limerick.

Planning Application

Planning Authority : Limerick City and County Council

Planning Authority Register Reference : 15/217

Type of Planning Application : Permission and Retention Permission

Applicant : Claire Staunton

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellants : Claire Staunton

Type of Appeal : 1st Party v. condition

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 12/01/16

Appendices

1. Photographs
2. Extracts from the Limerick County Development Plan, 2010 & Adare Local Area Plan, 2015.

1. SITE LOCATION AND DESCRIPTION

The café in question is housed in a semi-detached two storey half hipped roof building on the southern side of the Main Street in Adare opposite the Dunraven Arms Hotel. The building forms one half of an Arts and Crafts style pair of dwellings which are between two terraces of thatched houses, the majority of which are in commercial use.

The ground floor of the premises is used as a café/restaurant with the front outdoor space used for outdoor dining. A retractable canopy on a metal frame has been installed to the side elevation which also allows for outdoor dining.

2. PROPOSED DEVELOPMENT

The application was lodged with the Planning Authority (PA) on the **09/04/15** with further plans and details in addition to revised public notices received **30/07/15** and **11/09/15** following a further information (FI) request dated 28/05/15 and clarification of FI request dated 24/04/15 (sic).

As amended the proposal entails:

- Extension of opening hours by 1 hour from 8pm to 9pm
- Retention of canopy to side elevation.

The canopy is considered necessary to maintain the business. In conservation terms the canopy is fully reversible and does not involve any alteration to the existing fabric of the building.

It is clarified that the satellite dish is not attached to the applicant premises which is on the ground floor, only, but to a separate tenancy on the 1st floor.

Note: An objection to the proposal received by the PA has been forwarded to the Board for its information. The issues raised related to the opening hours, lack of car parking and adequacy of sewage system.

3. TECHNICAL REPORTS

E.E. Water Services in an email dated **15/05/15** states that the extension of opening hours will not create a difficulty with the sewer at this location.

The **1st Conservation Officer's** report dated **21/05/15** notes that whilst the change in opening hours has no implications for the site's heritage values there are other changes such as the construction of a shelter on the side of the building and a satellite dish which do not appear to have permission. The **2nd report** dated **20/08/15** following FI recommends clarification of FI regarding suitability and justification of the canopy in the context of the protected structure status of the building within an ACA. The **3rd report** dated **28/09/15** following clarification of FI recommends refusal for the canopy on the grounds that by reason of its materials it detracts from the character and authenticity of the building and through its location, damages the symmetry of the overall building.

The **1st Planner's** report dated **22/05/15** (countersigned 28/05/15) recommends a request for FI with regard to the matters detailed in the Conservation Officer's report. The **2nd report** dated **29/09/15** recommends clarification of FI on foot of the Conservation Officer's report with the **3rd** dated **29/09/15** following clarification of FI recommending a grant of permission subject to conditions.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission and retention permission for the above described development subject to 2 conditions:

Condition 2 requires the removal of the canopy within one month of the date of the permission. The reason cited states that by reason of its materials it detracts from the character and authenticity of the building and through its location, damages the symmetry of the overall building.

5. GROUNDS OF APPEAL

The appeal submission by HRA Planning on behalf of the applicant against condition 2 attached to the PA's notification of decision to grant permission can be summarised as follows:

- The canopy is used to provide temporary cover for a small area of external seating. Its existence is considered necessary to ensure commercial viability of the business.
- The purpose and use of the canopy contributes to the proper planning and sustainable development by contributing to the vitality and viability of the commercial streetscape. It is considered that this is a material consideration and should be taken into consideration in a holistic evaluation of all planning issues and not those related solely to the heritage status of the building.

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- The Architectural Heritage Guidelines in section 7.3.1 confirms the need for a flexible approach through modern adaptability and usability of a structure to a new use to meet the requirements of modern living without unacceptable damage to its character and special interest.
 - Many buildings in the village have been subject to adaptation and extension. In most cases they have not detracted from the character or authenticity of the main building nor do they cause injury to the visual and heritage amenity of the streetscape.
 - The aesthetic design and material finish of the canopy is respectful in scale, form, and proportions to that of the existing building and to the streetscape.
 - It is a temporary structure affixed to the property and is removable and thus its effects are reversible. It is positioned to the side and offset behind the front building line. This renders its visual appearance in most instances negligible. From closer view and from the east the appearance of the canopy is subservient to the visual dominance of the architectural character of the main building and the massing of the café roof and the thatched roof of the adjacent property.
 - The applicant is not seeking to qualify the acceptability of the canopy on the basis of its reversibility alone. Rather she is requesting that the suitability of the proposal is based upon consideration of all matters inclusive of the extent and magnitude of visual change on the significance of the heritage value of the building caused by the erection of the canopy.
 - It is queried how any other method of temporary external cover or design approach would be more aesthetically or functionally appropriate.
 - It is considered that the building, neighbouring building and streetscape have the visual capacity to accommodate visual change without significant adverse effect on the heritage value and streetscape.
 - It presents no inconsistencies with the Architectural Heritage Protection Guidelines or any Architectural Heritage objectives set out in section 7.6.4 of the Limerick County Development Plan.

6. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No further observations.

7. SECTION 131 NOTICE

On the basis that the Board is of the opinion that the development involves the carrying out of works to a protected structure certain prescribed bodies were invited to make a submission on the appeal by way of Section 131 notice.

A submission from the **Department of Arts, Heritage and the Gaeltacht** was received in response which can be summarised as follows:

- Some permitted alterations to the front openings and fitting of a canopy over the front door have partially altered the character.
- The architectural heritage character and contribution the building makes to the ACA is largely due to the design and materials of the external envelope and the setting of the group of houses between two terraces of thatched houses. Changes to the side elevation are therefore of some consequence.
- The submissions from the applicant to the PA suggest that the prime motivating factor was to improve amenity for patrons. It is not clear the extent to which the effect of the protected structure was considered.
- It may be that a different approach to resolving questions of improving patron amenity could be reached however the applicant did not submit any revised proposals to address concerns of adverse effect on the structure either at the location of the canopy or elsewhere on the property.
- The Board could request information by way of Section 132 seeking an impact statement and a revised structure or design addressing any identified adverse effects.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

I am not aware of previous planning applications on the site.

10. DEVELOPMENT PLAN PROVISIONS

10.1 Limerick County Development Plan, 2010

Objective EH O33 – it is the objective of the Council to encourage the reuse of protected structures while recognising that such an objective will require the adaptation and modifications of the building, including the construction of extensions. However the PA will require the maintenance of the essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting. The development of, or on, a protected structure which would have a significant adverse impact upon its character will not be permitted.

Objective EH O35 – the PA will not permit insensitive developments that compromise the character or integrity of ACAs.....

10.2 Adare Local Area Plan 2015-2021

The site is within the Village Centre zone the objective for which is to protect and enhance the character of Adare village centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the village centre while guiding the development of an expanded and consolidated village centre area. Any proposed retail development shall be in accordance with the provision of the Retail Strategy for the Mid West Region, 2010-2016.

The property is a Protected Structure and within the Architectural Conservation Area for the village. The said ACA is divided into 7 sub-sections. The site falls within sub-group 2 titled *Terraced Cottages in Ornee Style*. It is stated that the appeal site which was the former Tobacco Factory, despite its height and bulk, sits well with the terraced buildings owing to its massing being broken up and certain design features, such as windows, being common to those in the thatched cottages.

Potential threats to this ACA's character include insensitive extensions or alterations.

Objective EH 2 – it is the objective of the Council to protect, conserve and where appropriate enhance the ACA. Proposals for development shall:

- (a) Reflect and respect the scale and form of existing structures within the ACA in proportioning, overall scale and use of materials and finishes, particularly with reference to the street frontage and seek to contribute to or enhance the character and streetscape of the ACA;
- (b) Seek to retain/incorporate/replicate exterior features which contribute or enhance the character and streetscape of the ACA such as shop fronts, sash windows, gutters and down pipes, decorative plasterwork etc.

Objective EH 3 – Protected Structures – it is the objective of the Council to protect structuresand to encourage their appropriate re-use and restoration. The Council shall resist:

- (c) development that would adversely affect the setting of the protected structure.

12. ISSUES AND ASSESSMENT

I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Local Government (Planning

and Development) Act, 2000 and to consider the issues arising out of the disputed condition only.

Condition 2 – removal of canopy

The premises in question is a protected structure within the Architectural Conservation Area designated for Adare village as detailed in the Local Area Plan. Whilst I fully accept the commercial viability and vibrancy of the town centre is of importance in accordance with zoning objective for same, due cognisance must be had to the fact that the architectural quality of the village is of specific consequence and, in itself, contributes to its uniqueness and thus its vibrancy. The area covered by the canopy pertains to a small area of approx. 15 sq.m. to the side with further outdoor seating evident to the front of the building. As to how the retention of this covered space relative to the size of the overall unit (stated area of 137 sq.m. exclusive of outdoor space) is essential to its commercial viability as contended by the applicant is not entirely clear.

Whilst continued use of the protected structures is strongly advocated and which may require adaptation and extension, such interventions have to be judiciously executed so not to have an adverse impact on the quality of the structure and the streetscape in which it sits. The fact that other, more permanent extensions have been carried out along the Main Street is noted however a number are considered to be inappropriate interventions which have an impact on the streetscape. Notwithstanding, each case is assessed on its merits.

I fully acknowledge that the works do not involve any permanent or irreversible alteration to the building however this must be considered in the context of the Section 7.12.3 of the Architectural Heritage Protection Guidelines which states that while reversibility of proposals is an important conservation principle it should not be used to justify inappropriate interventions.

I would not accede to the view that the canopy as constructed does not have a material impact on the character and special interest of the structure. The building forms part of a semi-detached pair of Arts and Crafts style structures bounded to either side by terraces of thatched buildings. Whilst to the side and setback from the front wall, the frame on which the retractable awning is erected, is permanently in place and with the awning fully opened is quite evident and not visually subservient to the building in views from the east. This is not ameliorated by the additional advertising on the top of the awning visible in such views. In addition I consider that the canopy, when taken in the context of the awning to the front entrance and the signage erected on the building itself, gives rise to a cluttered appearance. Such minor additions can and do compromise the special interest of the structure and character of the ACA.

I submit that the canopy and associated frame do not comply with the Development Plan and LAP objectives in that it constitutes an inappropriate intervention which militates against the requirement to maintain the essential architectural character of the building and does not contribute to the character and streetscape of the ACA. I therefore concur with the PA's assessment in this regard and as such recommend that the canopy and supporting structure be removed. As the wording of the condition is not explicit in terms of the removal of the supporting structure I recommend that the condition be amended accordingly.

AA – Screening

Having regard to the nature and scale of the development proposed within the village of Adare no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11. CONCLUSIONS AND RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that the Planning Authority be directed to **AMEND** condition 2 as follows for the following reasons and considerations

CONDITION 2:

The canopy and supporting structure erected to the side of the building shall be removed within two months from the date of this order.

Reason: In order to protect the character of the protected structure and architectural conservation area.

REASONS AND CONSIDERATIONS

It is considered that the canopy and supporting structure detract from the character and setting of the protected structure to which it is attached and does not contribute to or enhance the character of the Adare Architectural Conservation Area. The development to be retained would therefore be contrary to objectives EH 2 and EH 3 of the Adare Local Area Plan which seek to resist development that would adversely affect the setting of the protected structure and the streetscape of the ACA and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Inspectorate

January, 2016