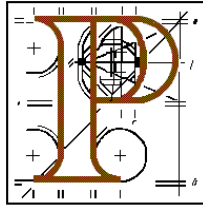


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.245991

Development: Retention works to boundary wall and original stone shed walls, including retention of reconstruction works to storage shed together with minor enhancements to completion all at the rear of No. 27 Main Street, Rathdrum. The works are adjacent to St. Saviours Church which is a protected structure (Ref. No. 30-17) and appurtenant to its attendant grounds.

Planning Application

Planning Authority: Wicklow Co. Co.
Planning Authority Reg. Ref.: 15/863
Applicant: John Smith
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Thomas McGrath
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 31st March 2016
Inspector: Emer Doyle

1.0 SITE DESCRIPTION

The appeal site is located at No. 27 Main Street, Rathdrum Co. Wicklow. The site has an area of 0.14 ha and comprises of a two storey building with post office and residential uses and a two storey shed to the rear.

The shed is located adjacent to the boundary of St. Saviours Church and graveyard which is a protected structure (Ref. No. 30-17).

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The development comprises of the following:

- Retention of repair works to boundary wall and original stone shed walls.
- Retention of reconstruction works to storage shed.
- Permission for minor enhancements to completion.
- A letter describing the works in full was submitted by a Conservation Architect with the application dated the 18th of August 2015.

The response to the Further Information request provided the following details:

- Clarification of long term proposals considered by the applicant in relation to future works in order to ensure that the impact on the protected structure is minimised or eliminated.
- Details of mitigation measures.
- Details of surface water proposals.
- Photographic evidence showing that the existing opening in the western elevation is the same size as the historical opening.

2.0 PLANNING HISTORY

PA 14/1724

Permission refused by Planning Authority for retention works to boundary wall and original stone shed wall, including retention of reconstruction works to storage shed. The works are adjacent to St. Saviours Church which is a protected structure (Ref. No. 30-17) and appurtenant to its attendant grounds.

UD File 4189

Unauthorised development file opened by the Planning Authority regarding redevelopment of the stone building without the benefit of permission.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that one letter of objection had been received. It considered that the proposal was largely similar to the previous application on the site and recommended refusal. This refusal was overturned by a Senior Engineer Planning and an F.I. Request was issued. Following the F.I. Request, a second planner's report sought clarification in relation to the future proposals regarding consultation with the select vestry of St. Saviour in relation to reconstruction of the boundary wall. This was overturned by a note from the Senior Engineer Planning. It was considered reasonable to grant a permission that allowed for the retention of the proposed development for a period of 3 years and that this would allow sufficient time for the various parties to agree the necessary works and execute same.

4.2 Planning Authority Decision

Permission was granted subject to 5 No. conditions.

Noteworthy conditions include the following:

Condition 2 granted retention permission for a 3 year period only in order to allow a time for a long term solution, which does not unduly impact on the setting of the protected structure to be agreed and effected and to ensure that the proposed development does not become a permanent solution in the interests of the proper planning and sustainable development of the area.

Condition 3 required that the mitigation works outlined in the details submitted on 25/11/15 shall be carried out within 6 months of the date of the final grant.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted by Thomas McGrath. The grounds of appeal and main points raised in the submission can be summarised as follows:

- This is an unauthorised development.
- The building forms part of a protected structure.
- The development took inadequate account of the Conservation Principality of Reversibility.
- The dimensions of the original building have been altered.
- The development was contrary to objective RPS2 of the County Development Plan.
- The proposals to enhance the building do not address the substantive issues in the original refusal on the site.

This appeal is accompanied by a submission on behalf of the Select Vestry which states that the development will have a significant negative impact on the church and graveyard.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party Response

- Whether this building is or is not a protected structure is a moot point.
- Works have been carried out in accordance with best conservation practice and are reversible.
- Works carried out are temporary works necessary to save a structure which shares a party wall with a protected structure.
- The issues raised in the previous refusal were dealt with in this application.
- It is suggested that Condition 2 be removed.

6.2 Planning Authority Response

None.

6.3 Observations

None.

7.0 POLICY CONTEXT

Architectural Heritage Protection Guidelines for Planning Authorities – Guidelines for Planning Authorities 2004

- Chapter 6 Development Control
- Chapter 7 Conservation Principles
- Chapter 8 Walls and Other Structural Elements
- Chapter 13 Curtilage and Attendant Grounds

Wicklow County Council Development Plan 2010 - 2016

- Record of Protected Structures Ref. 30-17 St. Saviour's Church of Ireland.
- Section 16.4.1 Record of Protected Structures.
- Section 16.4.2 Other structures and vernacular architecture.

Rathdrum Local Area Plan 2006 - 2016

Site zoned as town centre - 'To preserve, improve and provide for town centre uses.'

ASSESSMENT

Having examined the file and having visited the site I am of the view that the main considerations are as follows:

1. Background to Development
2. Impact on Conservation

PRINCIPLE OF PROPOSED DEVELOPMENT

Background to Development

The works which are the subject of this application are described in Section 3.3.2 of the appeal as 'temporary works necessary to save a structure which shared a party wall with a protected structure.' The shared boundary wall is part of the curtilage of St. Saviour's Church Ref. No. 30-17. St. Saviour's Church has a regional rating in the NIAH Reg. No. 16318005.

Works to the building are described in a letter from a conservation architect submitted with the application as 'emergency works which were required to prevent further decay and damage to the structure of the original building' and included the following:

- Making good of gables and the northern wall, with existing door and window openings retained on both levels. The southern random rubble stone wall which is a party wall with the graveyard and the protected structure remains untouched.
- An internal blockwork wall was constructed within the footprint of the building and parallel with the original boundary wall to the south in order to create greater stability for the gable walls and the northern longitudinal wall.
- The original joists of the storage loft were removed during the previous period of endangerment. These joists assisted in the stability of both parallel longitudinal walls. A horizontal support at joist level was constructed in place of the original joists and the walls and gables at the higher level required the benefit of the stability given by a replacement galvanised roof structure, similar to the original.
- The temporary timber stud wall constructed above the line of the protected structures boundary wall to the south provided for the provision of a flexible felt flashing in order that the top of the boundary wall could be protected from the elements and preserved.
- All of the above works were executed taking into account the conservation principle of reversibility.

The property was acquired by the current owner in 2013 and due to decay and instability of the boundary walls and integrated building structure, action was needed to prevent further damage and loss to the property. The works were carried out in an emergency situation and are distinguishable from the remaining original fabric. Following enforcement proceedings by the Planning Authority, an application for retention permission was submitted which was refused by the Planning Authority. Mitigation measures are proposed in this application together with proposals to engage with the select vestry of St. Saviours who are joint owners of the boundary wall with a view to achieving an agreement (within 12 months) in relation to the reconstruction (within a 3 year period) of the portion of the boundary wall which forms the southern elevation to eliminate any impact on the adjacent boundary.

Impact on Conservation

The principle issue in this appeal in my view relates to the impact of the southern boundary wall on St. Saviour's Church which is a protected structure. I accept that the works carried out were carried out in an emergency situation and that they are reversible. Nonetheless, I agree with the statement attached to the letter of appeal from the Select Vestry of Rathdrum and Derralossary Parish that 'the structure will have significant negative visual effects on St. Saviour's Churchyard'. I note that permission was previously refused by the Council and I do not consider that proposed enhancements and visual mitigation measures proposed including the painting of this elevation a stone grey colour to assimilate with the existing stone wall, the scribing of the flashing to ensure clean lines, and the repair of existing rainwater gutter will improve the existing situation to any great degree. The Further Information Response confirmed that the applicant would engage with the select vestry who are joint owners of the boundary wall with a view to achieving an agreement (within 12 months) in relation to reconstruction (within a 3 year period) of the portion of the boundary wall which forms the south elevation. I note that condition 2 of the Planning Authority allows for the retention of the proposed development for a period of 3 years in order to allow a period of time for a long term solution. This condition requires that without a new planning permission in 3 years, that the development works are to be removed and the previous structure reinstated. The appeal states that to comply with this condition would constitute a contravention of the owners duty under section 58 (1) of the Planning and Development Act and stated that given the Board may consider this application de nova, we suggest that condition 2 be removed for the reasons stated above.

It is clear that rebuilding the boundary wall will need the agreement of both parties and it is not clear either from the application or appeal whether or not such an agreement would be achievable at any time in the future.

Nonetheless, the impact is significant when viewed from St. Saviour's Church and graveyard. I consider that the plastered stud wall adjacent to the southern boundary is out of character with the existing boundary treatment and detracts from the character and setting of the protected structure at this location. There may be other solutions to addressing this issue which would be more visually pleasing and can be carried out entirely within the applicant's own boundary, however, I am not satisfied that the mitigation measures proposed in the application would be sufficient to grant permission at this location. As such, I consider that the retention of the development would be contrary to Objective RPS2 of the Wicklow County Council Development which requires that all development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures/site that render it worthy of preservation. I am of the view that this is a poor quality development and the materials used are not appropriate to the character of the area. I am of the view that the retention of the plastered block wall would have a negative impact on the existing

protected structure at this location and would contribute to the erosion of the attractive and distinctive qualities of church and its setting.

Appropriate Assessment

Having regard to the nature and scale of the development to be retained and proximity to the nearest Natura 2000 site, I am satisfied that the development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

10.0 RECOMMENDATION

Having regard to the relationship of the stone shed with the boundary wall of St. Saviour's Church, it is considered that the development proposed for retention would have a material and adverse impact on the character and setting of this important historic building which is identified in the National Inventory of Architectural Heritage as being of regional importance and is listed on the Record of Protected Structures. The development proposed for retention would, therefore contravene objective RPS2 of the Planning Authority as set out in the Wicklow County Council Development Plan 2010-2016. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle

14th April 2016