



An
Bord
Pleanála

Inspector's Report PL04.247490

Development	Demolish existing extension and construct new extension to hotel (protected structure) and all associated site works.
Location	Perryville House Hotel, Long Quay, Kinsale, Co. Cork
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/5977.
Applicant(s)	Redelva Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Redelva Ltd.
Observer(s)	1. Kevin Gregg 2. An Taisce 3. James Deasy.
Date of Site Inspection	11.01.17
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (stated 0.1414 ha) is located at Perryville House, Long Quay Kinsale County Cork. Perryville House is located on the waterfront along Pearse Street / Long Quay, on the edge of the main shopping parade, east of the town centre. The site overlooks the Scilly Dam and Kinsale Harbour. From the opposite side of the harbour the existing buildings and hillside behind is highly prominent and contributes significantly to the townscape.
- 1.2. Perryville House is served by a single vehicle access point with eight car parking spaces in front of the Quay. The existing guesthouse provides 27 number rooms and has a number of different elements / buildings. Extensive renovations have occurred over the years to improve the guest accommodation.
- 1.3. The main part of Perryville House is a late Georgian building converted into a three storey art-nouveau style mansion in the late 19th century. In addition to the original structure there is also a four storey extension to the rear, a tower building which was re-constructed in the late 1990's and a two storey annex built to the eastern side of Perryville house.
- 1.4. The site is flat at the front but the gradient rises steeply at the rear (to the north). The rear of the site is accessible via Sleaveen Park cul de sac, a narrow winding cul de sac accessed off Featherbed Lane, restricted by way of width and a sharp bend.
- 1.5. Adjoining lands to the north in the ownership of the applicant and within the curtilage of Perryville House, but outside of the subject appeal site red line boundary, comprise an overgrown terraced garden with polytunnel, approximately four storeys above street level. The applicant obtained planning permission on the adjoining plot, within the curtilage of Perryville, for construction of a contemporary dwelling under Reg. Ref. 15/6332 in April 2016, not yet constructed.

2.0 Proposed Development

- 2.1. Permission for demolition of an existing rear extension (four storey annex 510 sq. m) and the construction of a new extension (five storey rear annex 900 sq. m) to Perryville House Hotel, (which is a Protected Structure).
- 2.2. The proposed five storey extension includes 12 no. bedroom suites, new kitchen, utility room, laundry and staff facilities and all associated site works.
- 2.3. The proposal doubles the capacity of the existing annex within a new structure purpose built for guest accommodation, incorporating a lift for the existing hotel allowing Perryville House to provide fully accessible rooms in the proposed extension.
- 2.4. Perryville House is a Protected Structure and is on the record of National Inventory of Architectural Heritage (NIAH) and is located within an Architectural Conservation Area (ACA).

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for the following reasons:

1. The principle of demolition of the rear four storey annex is not accepted because insufficient information has been lodged evidencing compelling 'exceptional circumstances' that require the complete demolition. The proposal is not acceptable in principle and conflicts with Policy Objective RPS 1, RPS 2 & GT-08 in the Kinsale Town Development Plan 2009 and "Architectural Heritage Protection, Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government 2004 which seeks to ensure important and protected structures are adequately protected.

2 The loss of an attractive rear four storey annex and its unique building envelope featuring steeply pitched roofscape, narrow profile of the structure, and tall chimney

stacks which contribute to the character of the townscape and setting of Perryville House conflicts with Policy Objectives RPS 3 and ACA 2 in the Kinsale Town Plan 2009 which seeks to facilitate proposed development ONLY if it preserves the setting and curtilage of protected structures and conserves or enhances the appearance of the Architectural Conservation Area it is located within.

3 The bulk/mass of the proposed replacement structure undermines the adjoining Perryville House a protected structure and does not enhance the appearance of the townscape and therefore conflicts with Policy Objectives RPS 3 and Policy Objective ACA 2 in the Kinsale Town Plan 2009 which encourages appropriate reuse of existing structures of heritage merit and a high standard of design within Architectural Conservation Areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report: The planning report supports the draft decision to refuse planning permission. It considers given the assessment and recommendation of the Area Planner, the Conservation Officer, and Architects Department that a recommendation of refusal of permission is appropriate.

3.2.2. Other Technical Reports

- Conservation Officer: Refusal of permission recommended.
- Architects Department: Refusal recommended.
- Archaeological Officer: Further information requested
- Area Engineer: No objection
- Environment Department: Further information requested
- Irish Water: No objection

3.3. Prescribed Bodies

- An Taisce: Report received, acknowledges the sensitive location of the building and seeks to be kept informed of any decision made.
- The file was referred to DAU DAHG by An Bord Pleanala.

3.4. Third Party Observations

Letters of objection have been submitted on grounds of stability of the boundary where demolition is proposed, loss of light through over shadowing, noise and nuisance and trespass, parking, over development, loss of amenity, concern with respect to construction traffic on lane to the rear, increased volume of traffic.

Two letter of support from Fáilte Ireland and Old Head of Kinsale Golf Links are referred to in the planning report. Albeit a request was made to the planning authority for these documents to be submitted to the Board, they have not been submitted to date.

4.0 Planning History

- 4.1. **Reg. Ref. 99/22 / PL65.117035** Permission granted for the reconstruction of an existing warehouse (the Tower), hotel accommodation and extension of same to incorporate five bedroom suites.
- 4.2. **Reg. Ref. 00/6 / PL65.119533** Permission refused by ABP for 12 duplex units at Sleaveen, on the raised elevation, to the northern side of the site. The proposal was refused as it represented an extension of accommodation at Perryville House considered overdevelopment in terms of scale/height, visual amenity and traffic hazard.
- 4.3. **Reg. Ref. 26/00 / PL 65.122258** Permission Refused for a two storey extension along the northern side of the internal courtyard due to over intensification of the site and lack of proposals to deal with additional parking and traffic movement requirements generated by the development

- 4.4. **Reg. Ref 07/53038 / PL 65.225761** Permission Refused for works to Perryvale House (protected structure Ref No. 88) to include part demolition of existing building, construction of a 3523m² extension and all ancillary works.

An Bord Pleanála reason for refusal;

“The site of the proposed development is prominently located in the centre of Kinsale, in an Architectural Conservation Area and within the curtilage of a protected structure, Perryville House, which is a significant element of the architectural heritage of Kinsale. Having regard to the inappropriate scale and design of the development on elevated land at the rear of the site, it is considered that the proposed development would materially and adversely affect the protected structure and its setting, would seriously injure the amenities of the Architectural Conservation Area and would, therefore, be contrary to the proper planning and sustainable development of the area.”

- 4.5. **Reg. Ref. 09/53021** Permission Granted in Nov 2010 for works to Perryville House (Protected Structure) to include modifications to the ground floor street frontage of existing 20th century two storey extension onto Pearse St and part of the front boundary wall replaced with new steel metal gates and railing to match existing.
- 4.6. **Reg. Ref. 15/6332** Permission Granted in April 2016 for construction of a contemporary dwelling and associated site works at Sleveen, Kinsale on the curtilage of Perryville.

5.0 Policy Context

- 5.1.1. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.2. Development Plan

The operative plan for the area is the Kinsale Town Development Plan 2009

The site falls within the Town Centre zoning and an Architectural Conservation Area

The following Policies and Objectives are of relevance, excerpt from the Kinsale Development Plan 2009 – 2015 are attached as Appendix to this report.

Policy Objective TC2

Policy Objective GT03

Objectives 6.14.3 to 6.14.6 & Objectives 6.18.1- 6.18.3

Policy Objective GT08 “There will be no adverse impact to any conservation interest, heritage interest, landscape or residential amenity; and appropriate design that takes into account size, scale and materials of existing facilities”.

Policies RPS 1, 2, 3 and Architectural conservation area policies

ACA 1 - To protect all buildings, structures and sites which are an inherent part of the streetscape and which contribute to the Plan area’s heritage, diversity and history. According to Section 81 of the Planning and Development Act 2000, Architectural Conservation Areas (ACAs) are places, areas, groups of structures or a townscape, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or contribute to the appreciation of protected structures. The boundary of the Kinsale ACA is indicated in Volume 2 Mapping: Map 7

ACA 2 - Proposed development within or adjacent to conservation areas will only be permitted if it would conserve or enhance the character or appearance of the area. The demolition of non-listed buildings will be granted within the ACA if they do not contribute positively to the character or appearance of the ACA.

6.0 The Appeal

6.1. Grounds of Appeal

Need

- New accommodation is critical to the long term viability of the hotel which provides an appropriate and sustainable use of the Protected Structure.

Sufficient information evidencing requirement for complete demolition.

- The interior of the building is devoid of any architectural features.
- Age of the Annex dates to post 1900 and is not part of the original structure
- The building has undergone several phases of a re-development.
- There is nothing 'unusual' regarding the depth of ground floor walls which are simply evidence of substantive modern interventions to the annex
- A comparison of the footprint of the 1936 annex to the earlier map illustrates that the rear annex has a substantially different footprint to the former return and there does not appear to be any relationship between the former return and the existing rear annex.
- Significant works took place to the rear of the property from 1900 to 1936

Exceptional Circumstances

- The need to establish 'exceptional circumstances' has been addressed in the John Cronin & Associates (JCA) report of Architectural Heritage Impact Assessment submitted with the application.
- Rear annex does not contribute to any significant degree to the special interest of Perryville House
- The annex is much altered, little fabric to recommend their conservation or retention
- The architectural heritage interest or value of the annex's replacement / demolition will not represent a significant loss to Kinsale's architectural heritage.

Architectural Quality of the Annex

- The rear annex is not remarkable
- The early 20th Century annex to Perryville House does not boast facades of particular interest with no detailing around window openings or features of interest.
- The rear annex was not constructed as living space but was used as a ballroom.
- The former use of the annex contributes to the inadequacies of the existing window openings.
- The provision of guest accommodation within the annex has resulted in a less than ideal internal layout and a multitude of voids.
- Inefficient use of space
- No lift within the hotel
- Limited potential to provide additional guest accommodation in the annex without significant intervention to both the internal floor layout and the external facades.
- The proposal seeks demolition of a building of limited architectural value within the curtilage of Perryville House in order to construct a new extension to the protected structure that has been designed to be sympathetic to the primary building of interest on the site.

An Bord Pleanála's Previous Decision

- The previous sought permission was for a much larger redevelopment under Reg. Ref. 07/53038 / ABP PL65.225761
- The basis of the decision to refuse permission was that the scale was inappropriate in the context of the ACA and the protected structure
- The inspectors report clearly states that 'redevelopment of some of the existing buildings at the rear would be desirable'.

- The proposed development has had regard to the Boards previous decision which while concerned with the scale did not question the principle of the demolition
- Since the Boards decision in 2008 there has been no changes to the legislation or the Guidelines for Architectural Heritage Protection that would alter the Boards previous assessment.
- An Taisce have not raised demolition of the rear annex as an issue.

Context of Perryville House on Long Quay

- Views of the annex from the street frontage are limited
- The rear annex does not form part of the existing streetscape and does not contribute to the character of the ACA
- Demolition of the building would not diminish the context of Perryville House on Long Quay
- The large chimney breast abruptly breaks the ridgeline of Perryville whereas the proposed extension provides a more sympathetic approach to the protected structure
- If the Board consider that the existing gable and chimney of the rear annex contributes to the overall context of the ACA and the streetscape, Rainey Architects has provided a revised front elevation which would retain this feature. This is the only part of the rear annex which is visible and could be retained as part of the new extension
- Neither objectives RPS 3 or ACA2 (referring to non-listed buildings) prohibit the demolition of buildings in the ACA and while they encourage reuse development is not limited to strictly reuse and renovation.
- Refusal reason number two would appear to consider that the annex may not be protected and objectives related to non-listed buildings should apply.

Architectural approach proposed

- Consider that contemporary design approach most appropriate

- New extension is clearly legible from the older structures
- Responds to its location and identifies the key features worthy of conservation – as detailed in the AHIA prepared by JCA
- Responds to the demand for contemporary commercial and residential environments within the town.
- While the design is contemporary it is mindful of the architectural heritage significance of the wider hotel complex and its protected status
- The development will not impact on the historical / original core of Perryville House itself.
- The existing rear wall of the main block will be retained, the new build will follow the height of the existing ridge line and roof pitch
- The single storey described as Block D, recent build to the east, will interconnect with the new build.
- An important factor is the provision of spacious accommodation of high quality
- The new build overlooks the inner courtyard, only, and does not overlook any neighbouring properties.
- Design is consistent with Architectural Heritage Protection Guidelines
- Proposed extension will also improve the overall function of the hotel with more consistency in floor levels and the provision of a lift
- Proposed extension provides 12 new accessible bedrooms in compliance with Part M
- A very high standard of accommodation in a town centre location
- Positive impact on the area and fully addresses the issues raised in the previous decision under ABP PL 65.225761

Appeal accompanied with:

- Revised Drawings, Drawing No. 07, Drawing No. 08 'Existing Gable Wall with New South Elevation'
- Letter from John Cronin and Associates
- Notification of Decision to Refuse Permission 16/05977

6.2. Planning Authority Response

None received

6.3. Observations

A number of observations on the proposed development were submitted to the Board by Kevin Gregg, An Taisce and James Deasy. The comments made within the observations are of similar content so they have been collated under the following headings:

Planning History

- Note PL65.225761 / Reg. Ref. 07/53038 which was refused by Cork County Council and An Bord Pleanála
- The designations to the structure (Protected Structure) and the surrounding area (ACA) must be taken into consideration in the assessment
- Whilst the previous refusal did not preclude the demolition of the rear annex, the assessment of the extension and the contribution of the extension to the wider area should not be ruled out under the subject planning application.

Policy and Designation

- Perryville is a protected structure (RPS no. 26) and listed on the NIAH (Reg. No. 20851036) – Regional Rating
- The appraisal of the NIAH states that the 'tall pitched roof of the extension to the rear is very interesting and may be an early eighteenth century house'.

Protected Structure

- Considering that the proposed demolition is a Protected Structure due regard should be given to section 57 (10) (b) of the Planning & Development Act 2000 (as amended) which states that a planning authority or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.
- Section 6.9.11 of the AHP Guidelines for Planning authorities' states that where a proposal is made to demolish such a structure, it requires the 'strongest justification'
- An Taisce consider that 'strong justification' for the demolition of the subject structure has not been demonstrated

ACA

- Note the comments of Billy Smyth Architect on the 29th September which stated that 'the building in question is a protected structure/within the curtilage of a protected structure with the ACA of Kinsale. Its roof profile, proportions and distinctive massing all contribute to make it a landmark in its own right within the urban fabric of Kinsale. As such, it's a fragment of the collective whole which constitutes the identity; the genius loci of Kinsale'.
- The conservation officers report notes that while the interior is of no significance to the architectural heritage, the exterior however in particular the perpendicular position of the gable to the main building, the roofscape, the numerous substantial chimney stacks and the narrow profile of the building are very interesting and unusual.
- An Taisce concur with the points raised in the reports by the conservation officer and the council architect.
- Negative visual impact – proposed building is more prominent and incongruous than the existing structure

Inaccuracies & Inconsistencies within the plans

- Overlooking issue cannot be fully quantified due to inaccuracies in plans / elevations

- Concern with respect to proposed stairs location, exit door at third floor level at a point 3m+ over existing ground level

Negative Impact Upon Adjoining Property

- Concern with respect to impact of demolition and rebuild on Long Quay House, property immediately to the west of Perryville House
- Demolition of a structure which forms the boundary of the properties
- No consultation with adjoining neighbour
- Concern with respect to structural stability of significant old retaining structures on the common boundary only slightly removed from the proposed building
- Overlooking from front window / glazing indicated on plans and drawings submitted with appeal gives full view of the rear of Long Quay House
- Loss of light & overbearing
- Concern of rock breaking, demolitions and general vibrations and impact to adjoining property
- Noise, nuisance disturbance and trespass during construction works

Traffic Hazard

- Concern with regard to impact of construction traffic to 16 Sleaveen Park, Kinsale – located directly opposite where the machinery, working on the proposed development, would be entering and exiting the site.
- Gable wall of house would be at risk of being hit by trucks
- The lane over which the machinery would be passing is not capable of handling a large volume of traffic and it measures 11 feet in width only
- Passing of vehicles would be an issue, given narrow width of cul de sac.
- Increased traffic volume would give rise to traffic hazard for motorists currently using the lane and pedestrians.

Access

- Issues of access during construction need to be considered
- Safety risk of construction traffic access via a narrow road

Car Parking

- No proposal to provide any additional car parking
- Congestion of car parking is a concern

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Proposed Development**
- **Impact Upon the Protected Structure and Architectural Conservation Area (ACA)**
- **Scale, Height and Design of the Proposed Structure**
- **Road Safety Issues**
- **Impact Upon Adjoining Property**
- **Appropriate Assessment (AA)**

7.2. Principle of the Proposed Development

The subject appeal site 'Perryville House' is a Protected Structure and is on the record of National Inventory of Architectural Heritage (NIAH) and within the Kinsale Architectural Conservation Area (ACA). It is positioned in a prominent and highly visible part of the street facing the Harbour and Long Quay

The original building of 'Perryville House' fronting the streetscape and later additions (including the tower) are to be retained, only, a rear four storey annex (510sq. m) is proposed to be replaced. It is argued by the first party that the proposed demolition in this instance refers to a rear Annex to a protected structure, Perryville House.

The planning authority have clearly outlined that at no point did they either from a planning, architectural / architectural heritage perspective, dispute, or have any issue with the principle of development on this site. Issues arose only in regard to the execution of the proposed development.

I note the planning authority's position that there is potential for expansion of the existing Perryville House Hotel. The agreement that fairly significant work could be considered but that it was important to retain the existing roof profile and retain the gables and chimneys, but that the eastern annex (to the courtyard) could be adapted or removed, and that any new extension should not try to mimic the original structure but should respond sensitively in scale and proposition.

Having considered the conservation officers and architect's departments reports on file in conjunction with the planning reports I am of the considered opinion that the planning authority have acted reasonably, in order, to provide a balanced approach between respecting the historic fabric of the building that remains and the wider character of the area / urban streetscape, while giving flexibility for a sensitive new development on this site.

I agree that while the principle of development on the site is acceptable that collective abolition of individual historic elements would ultimately erode the character of the town in deference to its economic exploitation.

7.3. Impact Upon the Protected Structure and Architectural Conservation Area (ACA)

Policy GT08 set out in the Kinsale Development Plan 2009 – 2015 is of relevance, this policy supports new or extended tourism related development within Kinsale but includes a number of caveats including; “There will be no adverse impact to any conservation interest, heritage interest, landscape or residential amenity; and appropriate design that takes into account size, scale and materials of existing facilities”.

It is policy of the council as set out under RPS 1 of the Kinsale Development Plan 2009 – 2015 ‘to protect structures included in the Record of Protected Structures...this includes the interior of the structure, any other structures, the land lying within the curtilage and their interiors...Any features specified as being in the attendant grounds of a protected structure are also protected.’

The first party argues that the proposal seeks demolition of a building of limited architectural value within the curtilage of Perryville House in order to construct a new extension to the protected structure that has been designed to be sympathetic to the primary building of interest on the site. It is contended that there is a lack of internal historic fabric in the annex to be demolished and that the building is a twentieth century date. The applicant also argues that the building is not fit for purpose as hotel accommodation, there is an economic need for the new extension and expansion in order to provide much needed and a high standard of accommodation in a town centre location and also to provide an appropriate and sustainable use of a Protected Structure.

A previous planning proposal, see planning history section 4.0 of this report above, refused planning permission, for a much larger development, on the subject site, on foot of Reg. Ref. 07/53038 / PL65.225761. It is referred to by the first party, in an attempt to overcome Policy RPS2 which sets out that only in ‘exceptional circumstances will permission be granted for the demolition or material alteration of a protected structure’. The first party submits that the principle of demolition of rear

annexes to Perryville House was accepted previously by the planning authority and the Board. It is argued that the proposed demolition in this instance refers to a rear Annex to a protected structure, Perryville House. That the assessment of 'exceptional circumstances' is somewhat subjective in regards to protected structures themselves and even more so as it applies to buildings within their curtilage, which are afforded a similar level of protection based on their association with a building of significance rather than being of particular merit themselves.

I note the Inspectors Assessment in the case of PL65.225761 which states: 'It would be difficult to build on the hillside with a traditional design and in my view a modern approach is appropriate'... 'Whilst the development would provide for tourism and make more efficient use of land, I consider that the upper floors of the development would be overly dominant elements and detract from the protected structure. This is compounded by the elevated position of the upper floors.'

From information contained on file it appears that, albeit, the applicant engaged in extensive pre-application and on-site discussion they failed to take on board advice, from the planning authority, to gut and rework the internal layout of the existing rear four storey structure but to substantially retain the external structure.

It is the opinion of the planning authority that 'the rear four storey annex makes an interesting contribution to the townscape' and the loss of an attractive rear four storey annex and its unique building envelope featuring steeply pitched roofscape, narrow profile of the structure, and tall chimney stacks which contribute to the character of the townscape and setting of Perryville House conflicts with Policy, which seeks to facilitate proposed development, only, if it preserves the setting and curtilage of protected structures and conserves or enhances the appearance of the Architectural Conservation Area it is located within.

The planning authority assessment endorses the reports of the conservation officer and the architect's department. It is the opinion of the conservation officer that "The building in question forms part of the historic development of Perryville House" It is

submitted that “the interior of the building does not contain fabric of note, but the external envelope is substantially intact with the exception of the east elevation. It therefore cannot be argued that it does not form part of the original or historic development of the structure. In fact the date and sequence of development of the building is still questionable. The external envelope in particular the gables, steeply pitched roof, narrow profile of the structure and tall chimney stacks, contribute uniquely to the urban fabric of the town and character of Perryville House. It therefore has not been demonstrated that the building or specific elements of the building do not contribute to the special interest of the whole”.

The Architects report concludes that ‘the building in question is a protected structure / within the curtilage of a protected structure within the Architectural Conservation Area of Kinsale. Its roof profile, proportions and distinctive massing all contribute to make it a landmark in its own right within the urban fabric of Kinsale. As such, it’s a fragment of the collective whole which constitutes the identity; the genius loci of Kinsale.

I consider the assessment by the architect’s department as noteworthy and agree that irrespective of its date of construction or the originality of its fabric, the earliest extension to the north west of Perryville House has significant architectural and heritage value to warrant its conservation. The building in question is within the curtilage of a protected structure, is integral to the protected structure, within the ACA of Kinsale. Its roof profile, proportions and distinctive massing all contribute to make it a landmark in its own right within the urban fabric of Kinsale, its townscape and its roofscape.

Regard is had to the revised proposal put forward by the first party in their appeal to An Bord Pleanála. It is submitted, should the Board consider that the existing gable and chimney of the rear annex contribute to the overall context of the ACA and the streetscape, that the design of the overall proposal can be altered to retain the chimney and gable wall. The revised proposal incorporates a revised south elevation

drawing and proposal to retain the existing chimney and gable wall, the new build to follow the height of the existing ridge line and roof pitch.

Having considered the planning history of the site, its prominent location in the centre of Kinsale, in an ACA and within the curtilage of a protected structure, Perryville House, which is a significant element of the architectural heritage of Kinsale, I am of the opinion that the planning authority have taken a reasonable approach to redevelopment of the site.

I agree that the demolition of this building is not essential to the proposed development and does not allow for the proper conservation of the structure as a whole. That if permitted the proposal would result in the loss of part of the historic building which would be replaced by an industrial style block clad in fibre cement slate, with rigid rectangular element rising above the roof line of Perryville House.

While I consider that retention of the gable wall and chimney would be an improvement on the design. I consider that such an approach needs to be considered in detail by way of consultation with the planning authority. The building in question is within the curtilage of a protected structure within the ACA and I agree it is 'a fragment of the collective whole which constitutes the identity of Kinsale'.

Therefore, I recommend that the Board refuse permission in the subject instance by reason that proposed development would materially and adversely affect the protected structure and its setting and would seriously injure the amenities of the Architectural Conservation Area.

7.4. Scale, height and Design of the Proposed Structure

An ACA is designated in recognition of the special character of an area where individual elements such as building heights, building lines, roof lines, materials, construction systems, designed landscapes, public spaces and architectural features combine to give a place a harmonious distinctive and special quality which merits protection.

The conservation officer of Cork County Council highlights that roof profiles and their treatment is a very important feature and immediately announces the extent of the survival of a traditional street and its building stock. The Conservation Offices report sets out that the 'configuration of slate covered pitched roofs punctuated by chimneys can be very attractive features depending on typography and vantage points. In this particular instance the roofscape of the subject building due to its profile and height is a unique and prominent feature within the streetscape as a whole. In fact, there is no other comparable configuration along the street in question. In fact, I am not aware of a similar feature within the town as a whole'.

I agree that the demolition of the original roof profile and its replacement with a square zinc clad block and glazed lift shaft do not conserve or enhance the character of the ACA.

I have concern that the late redesign of the proposal, retaining the gable wall and chimney could be successfully integrated into the proposal at this stage. The wall in question is a structural element, integral to both the main house and the 4 storey Annex, to be demolished, to the rear. It contains the double breasted chimney with six chimney pots visible from the south and rises to form a gable apparent from multiple vantage points throughout the town

The changes to the original roof profile are contrary to ACA Objectives 6.18 1, 2, and 3 and Policies ACA 1 and ACA 2 set out in the Kinsale Development Plan 2009 – 2015 and therefore to the established historic urban environment and would in my opinion compromise the fundamental character of Kinsale.

The upper element of the new building would be highly visible from strategic vantage points, throughout the town. The proposal neither conserves, restores, or rehabilitates the existing building stock, the proposed development is not to a high standard of urban design nor is it carried out in a manner that is sympathetic to the special character of the area.

The proposed development would set an unfavourable precedent in relation to the scale, massing, form and design of new developments within the ACA.

7.5. Road Safety Issues

Observers to the appeal have raised concern with respect to car parking, construction traffic and access to the site via Sleaveen Park cul de sac. From my site visit I can confirm that the cul de sac serving Sleaveen Park is restricted in terms width and encompasses a blind bend and narrow carriageway around the gable wall of number 16 Sleaveen Park.

No construction management plan has been submitted with the proposal and therefore the construction plan for the site is unclear at this stage. Regard being had to the location of the site within the urban fabric of the town centre, I acknowledge that some disruption would result to neighbouring properties, during the construction period, however this would be for a finite period of time, if planning permission was to be forthcoming.

I see no fundamental impediment to the proposed development from a car parking perspective.

I consider that subject to a construction management plan being put in place, required by way of condition, of any grant of planning permission, that the proposed development would be acceptable from a construction access and management point of view.

7.6. Impact Upon Adjoining Property

I have considered the concerns raised with respect to rock breaking, general vibrations, noise, nuisance disturbance and trespass during demolitions and construction works. Also the impact of demolition and rebuild on Long Quay House, the property immediately to the west of Perryville House.

I am of the opinion, that subject to condition re: construction management and regard being had to reputable building practices, the proposal if permitted would have a minimal effect on the adjoining property.

From information contained on the file, it is clear, that the applicant has sufficient legal entitlement to seek planning permission on the appeal site. Party boundary issues and right of access to carry out construction works are civil matters and not a matter for consideration by An Bord Pleanála. In this regard I would note that Section 34 (13) of the Planning and Development Act, 2000, as amended, states that a

person shall not be entitled solely by reason of a grant of planning permission to carry out development on land where they have no sufficient legal interest.

With respect to the concern raised of overlooking I note that the glazing proposed to the stairwell is opaque. I am therefore of the opinion that this aspect of the proposal would not give rise to overlooking of Long Quay House.

With respect to loss of light and overbearing, given the orientation of the site north east of Long Quay House, height, design and layout of existing permitted development on the ground and the topography of the site, I am of the opinion, that the proposal would have a minimal effect in terms of loss of light and overbearing. Such issues would not therefore give rise to a reason for refusal in the subject instance.

7.7. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be Refused to the proposed development.

9.0 Reasons and Considerations

1. The proposed development, by reason of demolition of the four storey annex with its unique building envelope featuring steeply pitched roofscape, narrow profile of the structure and tall chimney stacks, would materially affect the character of the townscape and the setting of Perryville House, a Protected Structure, and would

thereby seriously injure the visual amenities of the Architectural Conservation Area. The proposed development conflicts with RSP1, RSP2, ACA1 and ACA2 of the Kinsale Town Development Plan 2009 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing character of the roof profile, the site location within an Architectural Conservation Area and the presence of a structure, 'Perryville House' on site, which is listed as a Protected Structure in the current Development Plan for the area, it is considered that the proposed development, by reason of its overall scale, height and design, would be out of character with its surroundings, would seriously detract from the architectural character and setting of Kinsale and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of Perryville House Protected Structure, would seriously injure the visual amenities of the Architectural Conservation Area and would be contrary to the proper planning and sustainable development of the area.

Fiona Fair

Planning Inspector

24.01.2017