



An
Bord
Pleanála

Inspector's Report PL04.248346

Development	To demolish an existing two storey dwelling house and to erect 2 No. two storey dwelling houses and all associated site works.
Location	Main Street, Kilworth, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/05108
Applicant(s)	Denis & Alice Condon
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	Mr. Sam Walshe
Date of Site Inspection	27 th June, 2017
Inspector	Robert Speer

1.0 Site Location and Description

The proposed development site is located along the southern side of Main Street in the small rural village of Kilworth in Co. Cork, in an area characterised by the gradual transition between the mixed-use retail / commercial core of the village and the primarily residential development towards the periphery of the settlement. In this regard it should be noted that on travelling westwards along Main Street the prevailing use is residential whilst to the east / southeast there is an increasing prevalence of commercial and retail uses synonymous with a village centre location. The site itself has a stated site area of 0.042 hectares, is irregularly shaped, and is presently occupied by a vacant (and somewhat dilapidated) two-storey, end-of-terrace vernacular dwelling house with a gated entrance to the west of same providing access to an enclosed rear garden area. The property fronts onto Main Street and adjoins a two-storey dwelling house to the immediate east with the grounds of a detached dwelling house to the west whilst the lands to the rear are presently undeveloped.

2.0 Proposed Development

The proposed development, as initially submitted to the Planning Authority, involves the demolition of an existing two-storey end-of-terrace vernacular dwelling house and the subsequent replacement of same through the construction of 2 No. conventionally designed, two-storey, terraced dwelling houses. Each of the proposed dwelling houses will be a mirror image of the other with only a minor deviation in floor area attributable to the site configuration (House No. 1: 156m², House No. 2: 151m²). The proposed construction will involve a conventional 'A'-pitch roof design to the front of the housing with two-storey flat-roofed returns to the rear of same whilst the ridge line and front eaves will tie into those of the adjacent property to the immediate east. Each property will be provided with an individually enclosed rear garden area which will be accessible via a pedestrian passageway extending from Main Street. On-street car parking is proposed. Water and sewerage facilities are available from the public mains.

Amended proposals were subsequently submitted in response to a request for further information which revised the front elevational treatment of the proposed

dwelling houses in order to provide for a more traditional design which includes for the use of natural roof slates, a timber door and painted timber sash windows.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 20th March, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- Having regard to the historic and unique character of the village of Kilworth, to the siting of the structure proposed for demolition within the village core, to its location and contextual relationship with neighbouring properties, forming part of a historic and attractive streetscape, contributing positively to the architectural heritage of the settlement, the Planning Authority is not satisfied on the basis of the information submitted that the proposed replacement dwellings by reason of their form, design, scale and bulk would be appropriate, that they would respect the unique character of the village of Kilworth, that they would contribute positively to the streetscape and the proposed development would be contrary to the Fermoy Electoral Area Local Area Plan 2011.

Furthermore, the Planning Authority is not satisfied that the proposed replacement dwellings by reason of their form, design, scale and bulk would not adversely impact on the amenities of neighbouring occupiers, particularly by reason of overshadowing and visual obtrusiveness. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- The proposed development will result in the irreversible loss of our architectural heritage, as well as negatively compromising the historic streetscape and historic building character of Kilworth village. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report noted that the proposed development site formed part of a terraced streetscape and that the adjoining terraced dwelling house was recorded in the National Inventory of Architectural Heritage as being of 'Regional' importance due to its architectural and artistic qualities. Concerns were subsequently expressed as regards the impact of the proposal on the architectural merit of the adjacent dwelling and the overall character of the wider streetscape whilst it was also considered that the design of the proposed replacement housing was out of keeping with the established pattern of development / streetscape. The report thus recommended that permission should be refused on the basis that the proposal would detract from the village streetscape. However, on the recommendation of the Acting Senior Executive Planner, the Planning Authority opted to request further information from the applicants, including an assessment of the existing structure by an accredited conservation architect.

Following the receipt of a partial response to the request for further information, another report was prepared which recommended that permission be refused on the basis that it would seriously injure the amenities of the area and as it would result in the irreversible loss of an item of architectural and archaeological heritage thereby seriously injuring the integrity of the historic streetscape. That report was immediately followed by a further report which recommended that a decision on the application be deferred pending the receipt of a complete response to the request for further information.

Following the submission of further details, a further report was compiled which stated that the Planning Authority was not satisfied that the proposed replacement dwellings would respect the unique character of Kilworth or make a positive contribution to the streetscape and would not impact negatively on the amenities of neighbouring properties. It was subsequently recommended that permission should be refused on the basis of the negative impact of the proposal on built heritage considerations. This was followed by a final report which endorsed a refusal of permission.

3.2.2. Other Technical Reports:

Area Engineer: An initial report noted the loss of off-street car parking consequent on the proposed development and further asserted that the existing dwelling house was not structurally unsound. It was also considered that the existing period building made a significant contribution to the architectural merit and character of the streetscape and that its removal for purely speculative reasons would represent a retrograde step. The report proceeded to state that the character etc. of the existing dwelling house should not be underestimated and that its redevelopment should be encouraged before ultimately recommending that permission for the proposed development should be refused on conservation grounds (notwithstanding the absence of any engineering issues).

Following the receipt of further information, a final report was prepared which reiterated the previous recommendation to refuse permission on the basis that the removal of the existing structure and the construction of the new buildings would have a negative impact on the surrounding historic streetscape.

Heritage Unit: Whilst an initial report acknowledged that the existing building was not formally protected, it was nevertheless considered to be a historic structure identifiable on Ordnance Survey mapping dating from 1842 and c. 1902. Reference was also made to the site location within a terrace of buildings that forms part of the historic streetscape which characterises Kilworth village. It was subsequently stated that whilst there was no objection to the redevelopment of the building, it was unclear why the existing structure should be demolished only to be replaced with a structure of lesser quality which would be out of character with the area. The report then suggested that the restoration and redevelopment of the structure was readily achievable and that this would provide for a better quality and more appropriate scheme of development than that proposed. The report thus concluded by stating that the removal of the existing structure would irreversibly compromise the historic streetscape and character of the village before recommending a refusal of permission for the following reason:

- The proposed development will result in the irreversible loss of our architectural heritage, as well as negatively compromising the historic streetscape and historic building character of Kilworth village. The proposed

development would therefore be contrary to proper planning and sustainable development.

Liaison Officer: No further input deemed necessary.

Conservation Officer: Following the receipt of a response to a request for further information, an initial report was prepared which stated that the submitted Architectural Impact Assessment was inadequate and lacking in specific details, although it was acknowledged that the assessment had noted that the ground floor of the existing building may be of an earlier construction and the structure subsequently raised at a later date to a two-storey building. The report further states that no investigation had been undertaken to establish a date of construction and thus it was unclear if the building was of a 17th, 18th or 19th Century construction. The report proceeds to state that further research is required and that the acceptability of the proposed demolition works has not been established. With regard to the amended design, whilst it was accepted that this represented an improvement over the original proposal, it was nevertheless considered to amount to a poorly proportioned pastiche. Further concerns were expressed as regards the overall bulk, scale, design and form of the proposed dwellings and the negative impact of same on the streetscape. The report subsequently concluded by recommending a refusal of permission as follows:

- Having regard to the pattern and character of development in the area, it is considered that the proposed development by reason of its form, design, bulk, scale, location and contextual relationship to the adjoining properties, would seriously injure the historic character of the streetscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development will result in the irreversible loss of our architectural and archaeological heritage and injure the integrity of the historic structure streetscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Following the receipt of additional details, a further report was prepared which reiterated the previous recommendation to refuse permission.

Archaeologist: States that the proposed development is located an adequate distance from Recorded Monument No. CO028-01401-3. It is also noted that the Architectural Impact Assessment indicated that the existing building contains an earlier single storey structure and in this regard it is stated that the proposed development site forms part of a historic streetscape and that there is some potential for the ground floor and substantial chimneystack to be of an earlier date. It further notes that no investigative work was undertaken as part of the applicants' assessment and that whilst further investigation / monitoring could be sought as a condition of any grant of permission, there are concerns that the removal of the building in question would compromise the historic streetscape given that it forms an important edge to the village square and would set an undesirable precedent for further such development.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

A single submission was received from an interested party and the principle grounds of objection contained therein can be summarised as follows:

- The application site is totally unsuitable for the development proposed.
- No details have been provided of the means by which the existing boundary wall will be stabilised and made good etc.
- There is a need to address the height of the wall to the rear of the site from a security / privacy perspective. The wall along the eastern site boundary will also need to be addressed.
- The reference to the dimensions shown on the submitted drawings as guidelines is unsatisfactory and accurate figures should be provided.
- There are health and safety concerns as regards the possible presence of asbestos on site.
- The inadequacy of the proposed on-street car parking arrangements.

4.0 Planning History

None.

5.0 Policy Context

5.1. National and Regional Policy

The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

The *'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004'* provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.2. Development Plan

Cork County Development Plan, 2014:

Chapter 2: Core Strategy:

Section 2.3: *The Network of Settlements*

Section 2.4: *Settlement Strategy*

Chapter 3: Housing:

Section 3.3: *Delivering Sustainable Residential Communities*

HOU 3-1: Sustainable Residential Communities:

- a) Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, in development plan preparation and in assessing applications for development through the development management process.
- b) Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.
- c) Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.

HOU 3-2: Urban Design:

- a) Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, the accompanying Urban Design Manual and the Council's Design Guide for Residential Estate Development in development plan preparation and in assessing applications for development through the development management process.

- b) Provide additional guidance, including principles and policies, on urban design issues at a local level, responding to local circumstances and issues. Where appropriate Local Area Plans will consider the need for the provision of additional guidance in the form of design briefs for important, sensitive or large scale development sites.
- c) Require the submission of design statements with all applications for residential development in order to facilitate the proper evaluation of the proposal relative to key objectives of the Development Plan with regard to the creation of sustainable residential communities.
- d) Require developers to take account of the Design Manual for Urban Roads and Streets (DMURS).

HOU 3-3: Housing Mix:

- a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.
- b) Require the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective.

Section 3.4: Housing Density:

Chapter 12: Heritage:

Section 12.1: Heritage

Section 12.4: Architectural Heritage

HE 4-6: Design and Landscaping of New Buildings:

- a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

- b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.
- c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.

HE 4-7: Village Design Statements and Local Area Plans:

Facilitate the preparation and implementation of village design statements and other community led projects to enhance village environments whilst ensuring that such initiatives are consistent with Local Area Plan policy.

Chapter 13: Green Infrastructure and Environment:

Section 13.7: Landscape Views and Prospects:

GI 7-1: General Views and Prospects:

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

GI 7-2: Scenic Routes:

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the

CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.

GI 7-3: Development on Scenic Routes:

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping. See Chapter 12 Heritage Objective HE 46.

Fermoy Electoral Area Local Area Plan, 2011 (2nd Ed., Jan. 2015):

Section 1: *Introduction to the Fermoy Electoral Area Local Area Plan*

Section 2: *Local Area Strategy*

Section 3: *Settlements: Key Villages: Kilworth*

Draft Fermoy Municipal District Local Area Plan, 2016:-

Section 1: *Introduction*

Section 2: *Local Area Strategy*

Section 4: *Key Villages: Kilworth*

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicants entered into the planning process for the purpose of developing the subject site in order to provide much needed housing within the village of Kilworth.
- Having engaged with the Planning Authority, the applicants commissioned a report on the existing dwelling house with regard to its heritage status and condition. In this respect the Board is advised that the house is not a protected structure nor is it recorded in the National Inventory of Architectural Heritage as being of architectural interest. The existing building is structurally in a very poor condition which is masked by the plasterwork to the front façade whilst the roof construction includes the use of modern concrete tiles. Accordingly, the assertion in the decision to refuse permission that the proposed development will result in the irreversible loss of architectural heritage whilst also negatively compromising the streetscape and the historic building character of Kilworth village is rejected.
- The design and finishes of the front elevation of the proposed dwelling houses were revised in order to be more sympathetic to the existing streetscape (as detailed in the accompanying contextual elevation).
- In order to minimise the potential overshadowing impact of a 3m high wall to the adjoining property it is proposed to utilise a flat-roofed structure.
- The proposed development will enhance and contribute positively to the village by providing quality housing for future use at a time when rural villages are experiencing depopulation.
- The applicants are mindful of the concerns of neighbouring property owners and it is their intention to be fully cognisant of same in the event of a grant of permission.
- The proposed development will not detract from the character of Kilworth village.

- The existing dwelling house on site is wholly unsuitable for modern habitation and / or renovation.

6.2. Planning Authority's Response

None.

6.3. Observations

Mr. Sam Walshe:

- Concurs with the Planning Authority that the existing dwelling house on site contributes to the architectural heritage of the village of Kilworth and in this regard the Board is referred to the accompanying mapping which identifies a significant number of buildings within the Main Street / Square area of the village which have been included in the National Inventory of Architectural Heritage, including the adjoining property at No. 9 Main Street (NIAH Reg. No. 20813011).
- The demolition of the existing house and the subsequent replacement of same with 2 No. modern two-storey dwellings would have a seriously negative impact on the architectural heritage of the village.
- The existing dwelling house is of local historical importance and was one of the last thatched houses in the village dating back to the 1800s.
- The proposed development would appear to be of a purely speculative / commercial nature.
- The proposal to demolish the existing dwelling house on site and to construct 2 No. replacement dwelling houses would appear to be entirely illogical from a housing demand perspective given that the village is already more than adequately served with modern housing estates (including a 'ghost' estate at the western end of the village which should be subject to development in the near future).
- The proposal to avail of on-street parking for 2 No. cars is considered to be inadequate given the likelihood of a minimum of 2 No. cars per household.

- With regard to the request for further information issued by the Planning Authority on 24th January, 2017, it would appear that the applicants have not submitted definitive details of the boundaries, elevation and impact on light as outlined in the letter prepared by Tom O'Flynn, Consulting Engineer, on behalf of the observer and dated 9th June, 2016.
- There is no correspondence on file to / from the owner of the neighbouring property at No. 9 Main Street, Kilworth, as regards any permission / consent for works affecting the site boundary or of the treatment of the gable wall of that property during and after construction works.
- No details have been submitted of an asbestos survey.
- There are concerns as regards legal proceedings etc. during the course of any development.
- Concerns with regard to health and safety issues remain outstanding.

6.4. Further Responses

None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the grounds of appeal are:

- The principle of the proposed development
- Impact on built heritage / village character
- Impact on residential amenity
- Overall design and layout
- Appropriate assessment
- Other issues

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located within the settlement boundary for the village of Kilworth as identified in the Fermoy Electoral Area Local Area Plan, 2011 (2nd Ed., Jan. 2015) wherein it is an objective of the Planning Authority to encourage the development of up to No. 50 houses during the period 2010-2020. In this regard, it should be also noted that the site is located in an existing built-up area alongside Main Street and that the immediate site surrounds are primarily residential in character whilst the prevailing pattern of development along this section of roadway predominantly comprises older terraced / period housing. Furthermore, it is of particular importance to note that the subject proposal involves the replacement of an existing dilapidated dwelling house with 2 No. new residential units. In addition, the proposed development could be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’ acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Therefore, in light of the foregoing, including the established use of the site for residential purposes, I am satisfied that the overall principle of the proposed redevelopment is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.2. **Impact on Built Heritage / Village Character:**

In relation to the potential impact of the proposed development on the character / streetscape and wider built heritage considerations of the village of Kilworth, it is of relevance in the first instance to note that the existing dwelling house proposed for

demolition is not included in the Record of Protected Structures as set out in the Cork County Development Plan, 2014 nor is it identified in the National Inventory of Architectural Heritage whilst the proposed development site is not located within an Architectural Conservation Area or an area of archaeological significance. However, notwithstanding the foregoing, it is clear that the application site is located within the historic village centre of Kilworth which retains an attractive streetscape focussed around a village green overlooked by impressive historic buildings, including Kilworth Market, as has been acknowledged in the Fermoy Electoral Area Local Area Plan, 2011 (2nd Ed., Jan. 2015). Indeed, the Local Area Plan has specifically identified the conservation and development of the village's built heritage as an essential component of the development framework for the settlement and in this respect I would advise the Board that Objective No. DB-01(f) of the Plan expressly states that development along the Main Street and within the village core should be designed to a high standard in order to reinforce the character of the established streetscape whilst development proposals within the core area should generally be in the form of terraced / courtyard schemes.

With regard to the specific site context, the existing dwelling house proposed for demolition serves to terminate the western extent of an attractive terraced streetscape which defines the southern side of Main Street in the vicinity of the village square. The property in question comprises a two-storey, end-of-terrace vernacular dwelling house with a gated entrance to the west of same providing access to an enclosed rear garden area. Notably, it adjoins No. 9 Main Street (a two-storey mid-terrace dwelling house, built c. 1880, that includes a three-bay first floor and a four-bay ground floor, with an integral carriageway to the east end of the façade) which has been recorded in the National Inventory of Architectural Heritage as being of 'Regional' importance due to its architectural and artistic qualities, although that property has similarly not been designated as a protected structure.

In addition, to the aforementioned built heritage considerations, it should also be noted that the village of Kilworth is located within an identified '*High Value Landscape*' whilst the subject site is situated alongside Scenic Route Ref. No. S4: '*Road between Fermoy & Kilworth*' with the views from same listed for preservation in the County Development Plan.

Having reviewed the decision of the Planning Authority to refuse permission for the subject proposal, I would suggest that the principle concerns as regards the potential impact of the proposed development on built heritage considerations can effectively be summarised as relating to the loss of the existing building on site (which is considered to be of architectural heritage merit) and the effect of same on the historic character / streetscape of the wider village, and the overall suitability of the design of the proposed replacement dwellings given the specific site context.

With regard to the proposal to demolish the existing dwelling house, in the first instance, I would reiterate that the building in question is not a protected structure, is not included in the National Inventory of Architectural Heritage, is not located within an Architectural Conservation Area, is not a Recorded Monument, and is not subject to any other statutory protection afforded to buildings or features which are of archaeological significance. However, notwithstanding the foregoing, it is apparent from the initial planner's report on file that the Planning Authority was not satisfied that the demolition of this structurally sound and substantially intact, post-medieval, 19th century structure, and its subsequent replacement with a modern intervention of a lesser design quality, was justifiable given the impact of same on the village streetscape. Instead, the Planning Authority advocated the redevelopment of the existing property and conveyed these concerns to the applicant by way of a request for further information which included a requirement to investigate the possibility of redeveloping and extending the existing structure. Notably, this assessment required a Conservation Architect to assess the existing structure and its feasibility for redevelopment.

In response to the request for further information, the applicant submitted an *'Architectural Heritage Impact Assessment'* of the proposed development which reiterates that the building in question is not included in the Record of Protected Structures or the NIAH. This report proceeds to set out the general construction, layout and condition of the existing structure (as supported by an accompanying photographic survey) and further states that the building has lain derelict for some time and is in a very poor overall condition. The assessment subsequently notes that the spacing of the openings on the front elevation and the thickness and form of the western gable wall would suggest that the building may have originally comprised a single-storey structure which was raised at a later date to form a two-storey house.

Indeed, the exterior of the western gable wall would seem to support such a proposition as it provides a visual indication of the presence of an earlier single storey structure. The report also details that the structure does not contain any significant internal features and that the front elevation indicates that further alterations were carried out above the front doorway; possibly the insertion of a replacement lintel and the reconfiguration of the openings; whilst the replacement concrete tiled roof is unsympathetic to the streetscape. It is further observed that there are no surviving original windows and that the differing window spacing at ground and first floor levels gives the impression of a mismatched façade. It has also been suggested that as the building was probably raised from a single storey to a two-storey construction that the foundations are likely to be inadequate.

The '*Architectural Heritage Impact Assessment*' subsequently concludes that the existing building comprises a much-altered house that may date from the late 18th century and is likely to have been built as a single storey dwelling. It further states that the structure appears to have been comprehensively altered in the late 19th or early 20th Centuries (through the addition of a further storey, alterations to the front elevation, and the internal subdivision of the house) whilst the interior was further modernised and the roof re-clad with concrete tiles in the mid- to late 20th Century. It is asserted that the only remaining original building fabric is the lower portion of the front elevation and the chimney stack that forms the western gable. Therefore, in light of the much-altered state of the building, the substantial difference in level between the interior of the property and the public pavement, the confined nature of the internal layout (with particular reference to the floor to ceiling height) and the complete absence of any internal fabric of significance, it has been submitted that the refurbishment of the existing building is neither practical or feasible.

Having reviewed the available information, whilst I would acknowledge that the submitted '*Architectural Heritage Impact Assessment*' is perhaps somewhat limited in scope in that it does not include for any more detailed exploratory or investigative works such as through the opening up of walls etc., given that the existing building is not a protected structure and has not been deemed worthy of inclusion in the NIAH etc., I would suggest that the submitted details are sufficient to provide a basis on which to assess the merits of the subject proposal (*N.B* The report of the Local Authority Archaeologist, whilst referencing the contribution of the existing structure to

the historic streetscape, states that further investigation / monitoring could be required as a condition of any grant of permission). In this respect it is clear that the existing building has been substantially remodelled / altered over the years and that its architectural merit primarily arises from its contribution to the wider streetscape as opposed to its individual built heritage qualities. Notwithstanding that the original building may have been worthy of preservation, in my opinion, the existing structure is not of such exceptional historic or architectural merit as to warrant the protection sought by the Planning Authority. Indeed, I would suggest that if the building in question was held to satisfy the relevant architectural heritage criteria as set out in Part IV of the Planning and Development Act, 2000, as amended, then it would have been open to the Planning Authority at any stage to seek to add same to the Record of Protected Structures. More notably, whilst the building itself makes a generally positive contribution to the wider streetscape, the structure retains little original built fabric and is of limited significance in a built heritage context. The external appearance of the structure has been substantially altered through the raising of the original roof height, the modification of the front elevation, the insertion of inappropriate replacement windows, and the provision of an unsympathetic corrugated tiled roof. Similarly, it is evident that the internal structure of the building has been extensively altered over the years, such as through the insertion of modern partition walls, and that there appears to be no features, such as decorative plasterwork or joinery work, which would be of such architectural significance as to warrant protection.

Whilst acknowledging the contribution of the existing structure to the wider streetscape, it is nevertheless in a semi-derelict / dilapidated condition and, on the basis of the foregoing assessment, including the absence of any statutory protection and the contents of the Architectural Heritage Impact Assessment, I am satisfied that an adequate case has been put forward by the applicants to justify the demolition of the existing building provided it is replaced with a suitably designed structure.

At this point of my assessment it is necessary to consider whether or not the submitted proposal represents an appropriate design response to the site context as regards its impact on the surrounding streetscape and the prevailing character of the area. In this regard I would concur with the Planning Authority and the conclusions of the Architectural Heritage Impact Assessment that the elevational treatment of the

replacement dwelling houses as originally proposed was wholly unsympathetic to the surrounding streetscape and, therefore, I would refer the Board to the amended proposals received by the Planning Authority on 21st February, 2017.

The revised design submitted in response to the request for further information issued by the Planning Authority has amended the front elevational treatment of the proposed dwelling houses in order to provide for a more traditional design which includes for the use of natural roof slates, a timber door, and painted timber sash windows. Whilst I note the comments of the Conservation Officer that this design could be considered to amount to a 'pastiche' of the traditional vernacular, I am inclined to suggest that it is an acceptable design response to the site context which is simple in form and in keeping with the surrounding streetscape and pattern of development. With regard to the contextual relationship of the proposed development with the neighbouring property to the immediate east, I note that the building, eaves and the roof ridge lines of the proposed housing match those of the No. 9 Main Street, and whilst it would perhaps be preferable if there were a step in the eaves and ridge line in order to distinguish the new building from the original terrace, in my opinion, this is not of such significance as to warrant a refusal of permission, particularly as the adjacent property is not a protected structure. In any event, such a minor modification to the overall design could be addressed by condition in the event of grant of permission (and if deemed necessary by the Board). Similarly, it would be preferable if the proposed chimney stacks were to be positioned centrally atop the ridge line, however, their siting behind the roof pitch on being viewed contextually as part of the wider streetscape serves to mitigate this aspect of the design.

On balance, it is my opinion that the overall design of the amended proposal as submitted in response to the request for further information satisfactorily complies with the requirements of Objective No. DB-01(f) of the Fermoy Electoral Area Local Area Plan, 2011 which states that development along the Main Street and within the village core should be in the form of a terraced scheme which serves to reinforce the character of the established streetscape.

7.3. **Impact on Residential Amenity:**

In its decision to refuse permission, the Planning Authority has indicated that it is not satisfied that the overall design, form, scale and bulk of the proposed replacement dwelling houses would not adversely impact on the residential amenity of the occupants of neighbouring properties, with specific reference to the potential for overshadowing impacts and visual obtrusiveness.

Having reviewed the submitted plans and particulars, I am inclined to suggest at the outset that the overall design of the proposed development has taken sufficient cognisance of the need to preserve the amenities of adjacent property. In this respect I would refer the Board to the absence of any windows within the gable elevations of the proposed dwelling houses thereby avoiding any direct overlooking of those properties to the immediate east and west and any associated loss of privacy.

With regard to the potential for a loss of light or overshadowing, it is necessary to consider a number of factors including the height of the structures concerned, their orientation, the separation distances involved and their positioning relative to each another. Accordingly, having considered the submitted information, in my opinion, it is likely that the proposed construction of the two-storey return to the rear of House No.1, by reason of its overall height and positioning alongside the eastern site boundary, will most likely detract to some extent on the levels of sunlight / daylight presently received by the rear elevation of the neighbouring property to the immediate east, particularly in the winter months when the sun is at its lowest. However, I would suggest that any such impact must be taken in context and in this respect I would emphasise that the subject site is located in an urban area where some degree of overshadowing would be not unexpected. Furthermore, it is notable that the existing intervening boundary wall (in addition to the evidence of a now demolished single storey annex to the rear of the existing dwelling house) will most likely already overshadows No. 9 Main Street to some extent whilst efforts have been made to limit the potential for any additional overshadowing consequent on the proposed development through the use of a flat-roofed design for the return to the rear of Proposed House No.1. Furthermore, it is of particular relevance to note that the rear elevation of No. 9 Main Street, in addition to its rear garden area, benefits from a southerly aspect and thus receives a significant amount of direct sunlight /

daylight throughout much of the day. Therefore, on balance, I am satisfied that whilst the proposed development will result in some loss of light to No. 9 Main Street, this is within acceptable limits given the overall level of amenity enjoyed by that property.

In reference to the overall scale and form of the proposed development, whilst I would acknowledge that there will be an overall increase in the building footprint consequent on the subject proposal when compared to the existing dwelling house on site, it should be noted that a significant proportion of the new construction will be sited behind the streetscape elevation and thus will not be overtly visible from public areas. In addition, I would also reiterate that regard must be had to the site context given its location in a built-up area within the village core.

With regard to the concerns expressed by the Planning Authority in relation to the potentially imposing appearance and overbearing nature of the proposed development when viewed from within the confines of the neighbouring property at No. 9 Main Street, whilst the proposal will result in the creation of an area of two-storey construction immediately alongside the shared site boundary, having regard to the site context, including the site location in a built-up area, in addition to the relatively limited extent of the proposed construction, and the fact that the proposed two-storey rear return would appear to broadly correspond with the footprint of a previous (presumably single storey) annex to the rear of the subject site (as evidenced by reference to OSi mapping) which has since been demolished, I am inclined to conclude that the subject proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by the occupants of the neighbouring property.

Therefore, on the basis of the foregoing, it is my opinion that the proposed development is unlikely to give rise to any significant undue impact on the residential amenities of adjacent property.

7.4. **Overall Design and Layout:**

In terms of the wider design and layout of the proposed development, I would advise the Board that each of the proposed dwelling houses will be provided with an enclosed rear garden area of such size as to satisfy the necessary private open space requirements. In addition, it is notable that each of the aforementioned rear

garden areas will be accessible from Main Street via a dedicated and secure pedestrian passageway which will accommodate the movement / storage of bins etc.

With regard to car parking, whilst I would accept that the provision of a further dwelling house on site and the loss of the gated area to the immediate west of the existing dwelling house will result in an increased demand for roadside parking, having regard to the need to maintain a defined streetscape at the subject location pursuant to Objective No. DB-01(f) of the Local Area Plan, and in light of the wider availability of on-street parking in the immediate site surrounds, I am inclined to suggest that the absence of dedicated on-site parking in this instance is acceptable and that the imposition of a special development contribution towards the provision of on-street parking would be appropriate.

7.5. **Appropriate Assessment:**

From a review of the available mapping, including the Cork County Development Plan, 2014 and the data maps available from the website of the National Parks and Wildlife Service, it is apparent that although the proposed development site is not located within any Natura 2000 designation, it is situated approximately 750m southwest of the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170). In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

Having reviewed the available information, including the screening exercise undertaken by the Planning Authority as appended to the Planner's Report prepared

in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the availability of public services, and the separation distances involved between the site and the Special Area of Conservation, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Code: 002170, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.6. **Other Issues:**

Procedural Issues:

With regard to the accuracy and adequacy of the submitted plans and particulars, in my opinion, there is adequate information on file to permit a balanced and reasoned assessment of the proposed development which in turn supports a recommendation to grant permission.

Impact on Adjacent Properties:

In relation to the potential for any trespass or interference with neighbouring properties consequent on the proposed development, I am inclined to suggest that such issues would amount to civil matters for resolution between the parties concerned. I would also draw the Board's attention to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*'.

Health and Safety Considerations:

Concerns with regard to health and safety, including the possible presence of asbestos on site, are beyond the remit of this appeal and are subject to other legislative provisions / controls.

8.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, the pattern of development in the area, and the provisions of the current Development Plan and Local Area Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th day of December, 2016 and the 21st day of February, 2017 and by the further plans and particulars received by An Bord Pleanála on the 18th day of April, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black or slate-grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

5. The proposed flat roofed areas at the rear of the dwelling houses shall not be used as balconies or amenity areas.

Reason: In the interest of protecting the residential amenities of neighbouring property.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of car parking facilities to serve the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Robert Speer
Planning Inspector

20th July, 2017