



An
Bord
Pleanála

Inspector's Report PL11.248589.

Development

Permission for retention of external concrete pad, internal alterations, demolition of dry stone rubble wall and storage area to rear of building.

Permission to construct a two storey extension to the rear of the structure, including a glazed link to the existing protected structure, construct external emergency stairway and emergency escape doorway to the rear of the property, construction of a replacement wall and gateway, repair and replacement of internal and external features, fixtures and fittings to Protected Structure RPS 677.

Location

Former Coolterderry School, Main Street Portarlinton, Co Laois.

Planning Authority

Laois County Council.

Planning Authority Reg. Ref.

16/621.

Applicant(s)

Sean Reid.

Type of Application

Permission.

Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Elizabeth McNamara & Terence Higgins Junior.
Observer(s)	None
Date of Site Inspection	1 & 5th September 2017
Inspector	Bríd Maxwell.

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.0275 hectares comprises a terraced structure, former Cooltederry School located to the southern side of Main Street, Portarlinton. The structure Protected Structure RPS 677 comprises a terraced six bay former school constructed approximately 1840s with integral carriageway to the northeast gable with garden to rear. The front elevation is orientated to the northeast with rear elevation and small rear external area of approximately 75 sq. m orientated to the southwest.
- 1.2. An integral arched carriageway provides access along the northern portion of the site to the adjacent property located to the rear (in separate ownership) which comprises a stable complex (NIAH ref 12900246 constructed circa 1870). A terraced three bay house with arched doorway is located to the north of the carriageway. A further terraced four bay two storey house (NIAH Ref 12900227 constructed c1820) is located to the southeast.
- 1.3. The building is protected structure RPS No 6767 and on the NIAH Ref: 12900217. The building is designated as being of Regional importance. Description is as follows:

“Terraced six bay two storey former school. Built c 1840, with integral carriageway. Now in use as hall. Double-pitched and hipped roof with nap rendered chimneystack to rear and overhanging box eaves. Roughcast rendered brick wall, brick visible to rear, with rendered plinth. Square headed window openings to first floor with limestone sills with single pane timber sash windows. Square and round-headed openings to ground floor with timber fixed pane windows and replacement timber panelled doors c1985, with overlights. Moulded timber picture rail. Street fronted; concrete footpath to front; tarmacadam courtyard to rear in use as school yard. Remains of pair of detached toilet blocks to site. Now derelict.”
- 1.4. The building has square headed window openings to first floor on Main Street with limestone sills and timber sash windows. Three of the upper floor windows are infilled with painted plywood. Square and round headed openings are provided to ground floor level with timber fixed pane windows and replacement timber panelled doors and overlights. A tripartite high level window with limestone cill located

centrally on the main façade at ground level is flanked each side by single high level windows with round headed openings.

- 1.5. To the rear of the structure is an open area of approximately 75 square metres. The remnants of two outbuildings from the rear courtyard were external toilets associated with the original school. Access from the building to the rear courtyard is provided from a single door on the rear elevation with square headed overlight and there is a single ground floor window to the rear elevation. All other original openings to the rear façade including two windows to each side of the chimneystack and a smaller opening over the rear archway have been infilled over time. A roughcast single chimney stack is located centrally on the rear façade to service the original fireplaces on both floors of the original school.
- 1.6. The building has been subject to recent works internally and to the rear which are outlined in detail in the conservation and restoration plan by MCOH Architects accompanying the application. Such works include the removal of joinery, elements of ceiling cornice, provision of timber partitions, plasterboard sheeting and provision of internal insulation comprising composite multi foil insulation to the inner face of the structure. Insulation has also been provided to roof rafters and completed in part with plasterboard. A free standing steel fire escape stairway and concrete base was installed to the rear of the building and the while the steel section of this has been removed the associated concrete plinth and limited steel uprights remain. Dividing walls formerly separating the courtyard into two areas to the rear have been removed as well as section of wall adjoining the passageway.
- 1.7. Photographs of the structure taken during site visit are appended to the report and I refer the Board also to the photographic survey incorporated within the conservation and restoration plan, MCOH Architects.

2.0 Proposed Development

- 2.1. The proposal as set out in the public notices consists of:
 - (a) Retention permission for (1) an external concrete pad (2) internal timber studwork on the ground and first floors (3) internal dry lining (4) demolition of dry stone rubble wall and the removal of storage areas to the rear of the building;

(b) Permission to (1) Construct 2 storey extension to the rear of the structure, 22.5 square metres including a glazed link to the existing protected structure (2) Construct external emergency stairway and emergency escape doorway to the rear of the property (3) Construction of a replacement wall and the widening of an original gateway providing access to the rear of the property (4) repair and replace internal and external features, fixtures and fitting of RPS 677 as specified in the conservation report included with the application, And all associated siteworks including landscaping to the rear of the structure.

2.2 The application is accompanied by a conservation and restoration plan compiled by MCOH Architects. The application outlines that the structure has been in recent times used for athletic club / boxing club gym and it is intended that the building will continue to be used for community use purposes. The works subject of the retention element of the application commenced in April 2015 and ceased following receipt of enforcement notice from Laois County Council on 28th July 2015.

2.3 In response to the Council's request for additional information some amendments were outlined and it was clarified that all necessary work to make the building water tight will be carried out as advised by the Conservation Architect. The concrete pad to the rear of the building is to be removed and emergency escape stairs independently supported using 100 x 100 x 10mm SHS steel sections. Rear extension is to be finished in sand and cement render with double glazed polyester coated aluminium framed windows and glazed sections to link building. Gutters and rainwater pipes will be cast iron type. Roof will be flat roofed finish with two layer bitumen based torch on waterproofing system to manufacturer's instructions.

3.0 Planning Authority Decision

3.1. Decision

By order dated 02/05/2017 Laois County Council decided to grant permission subject to 8 conditions which included:

Condition 1. Works in accordance with recommendations of the conservation and restoration plan.

Condition 2. Supervision of suitably qualified conservation architect.

Condition 3. Use as shown. No subdivision without prior grant of permission.

Condition 4. Compliance with requirements of HSE and Fire Officer. Access in accordance with requirements of building regulations.

Condition 5. Surface water run off to soakpits.

Condition 6. Best practice waste management.

Condition 7. Construction and demolition standards.

Condition 8. No advertising signs apparatuses without prior grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report asserts that the proposal represents a positive redevelopment of a partly derelict building which is a protected structure located within the town centre. Further information required in relation to clarification of works to make the building weather tight, finishes and facing details for the proposed extension and link and comments on third party submission.

3.2.2. Other Technical Reports

Fire Officer's report indicates no objection. Fire safety cert will be required.

3.3. Prescribed Bodies

3.3.1 Submission from Inland Fisheries Ireland indicates no objection subject to conditions regarding surface water discharge.

3.3.2 Submission from the Department of Arts Heritage and Gaeltacht Affairs notes that the recommendations set out in the conservation and restoration plan do not entirely match the works proposed in the application. While the plan recommends removal of foil backed insulation and associated timber battens to both spaces, protection of surviving cornices and fixing of three coats of lime plaster with a new run cornice, the application seeks the retention of the internal dry lining and associated internal timber studwork. While the plan discusses external works to make the building weather tight, the planning drawings do not contain any detail on the works required. Frame material and glazing bar profiles of proposed glazed link from two storey services extension to be clarified. Retention of concrete pad to support the emergency stairs would prevent the use of a two storey return for storage or other purposes. Alternative means of supporting the staircase should be explored to allow these spaces to be used with appropriate roof and wall repairs and correctly detailed joinery to the openings. Recommend further detail by suitably qualified conservation architect to expand the repair recommendations including a specification of conservation works with cross reference made to the planning drawings. Redesign of emergency stairs so as not to prevent the use of the two storey return and works to repair the return to be included. Finishes and facing details of extension and link to be clarified.

3.4. **Third Party Observations**

Submission on behalf of the Higgins Family whose family residence, The Deanery adjoins to the south of the appeal site object to the development on grounds of insufficient legal entitlement as the passageway incorporated within the application site boundary is owned by them and court proceedings are underway in this regard. Access opening to passageway widened without consent. Concerns regarding windows to extension and steel staircase resulting in light impact and overlooking. Inaccuracies regarding details of the proposal. No objection to the construction of a single storey structure.

4.0 Planning History

UD 15/98 Enforcement Notice

5.0 Policy Context

5.1. Development Plan

The Laois County Development Plan 2017-2023 and Portarlinton Local Area Plan 2012-2018 refer.

The site is within the designated Town Centre in terms of Zoning.

The use of land as Town Centre / Mixed shall be taken to include the use of land for a mix of uses, making provisions, where appropriate for “primary” uses i.e. primarily commercial/retail and combined with other compatible uses e.g. residential as “secondary”. These secondary uses will be considered by the Local Authority, having regard to the particular character of the area. A diversity of uses for both day and evening is encouraged. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). Compatible uses within this zoning objective include; - banks and other financial institutions, cafes, community buildings, civic buildings, entertainment, hotels, leisure and recreation, offices, professional / specialist services, restaurants etc. The Council will continue to ensure that any development proposed is in the interests of proper planning and sustainable development, and serves to reinforce the vitality and viability of town centres, whilst meeting the needs of its community and surrounding hinterland.

Town centre Policies include TCP 8 “To reduce levels of dereliction in the town centre and take action where necessary in accordance with the Derelict Sites Act 1990 as amended”.

As regards Community Development it is outlined that

“As a general principle the location and provision of Community Development facilities is a pre-requisite to the enhancement of viable, enjoyable, sustainable and attractive local communities. In assessing planning applications for leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting

facilities, medical facilities, childcare facilities new school provision and other community orientated developments, regard will be taken of considerations such as:

- overall need in terms of necessity, deficiency and opportunity to enhance or develop local facilities;*
- practicalities of site location in terms of site location, uses, impact on local amenities, desirability, and accessibility;*
- conformity with the requirements of appropriate legislative guidelines: such as childcare and education facilities.*

5.2. Natural Heritage Designations

River Barrow and River Nore SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Axis Architecture on behalf of Ms Elizabeth McNamara and Mr Terence Higgins Jnr, The Deanery, Main Street, Portarlington. Grounds of appeal asserts that

- Part of the application site is not within the applicant's ownership. Ownership of arched gateway forms part of the Deanery and is in legal dispute. Indenture of Conveyance 12th July 1895 demonstrates extent of the property.
- Request the Board to dismiss the application as being invalid as it does not correctly show landownership nor provide appropriate letters of consent from appropriate landowner.
- The negative impact of the development on protected structures NIAH Reg Ref 12900227, 12900246 and 12900217. While the school has been divided into three distinct NIAH references it must also be considered as one original complex.

- Windows of appellant's property are affected by the proposed development. External fire stairs compromised by location of windows and gives rise to fire safety issues.
- Community use will exacerbate existing traffic congestion.

6.2. Applicant Response

The response on behalf of the applicant by Patrick Joyce Associates

- Applicant purchased the property in 2015 with the intention of returning the building to community use.
- Works carried out in April 2015 to secure the premises and make it suitable for re-use.
- Applicant is registered owner of the full site. Land registry folio and map attached. Acknowledge that the owner of the Deanery has exercised a right of way over the passageway.
- Dispute over ownership is a civil matter and not a planning matter.
- Conservation and restoration plan takes proper account of the adjoining protected structures.
- Window in appellant's boundary wall appears to be a recent construction and no record of permission for same.
- Proposed development and external staircase will have no material effect on the adjoining premises. External staircase will not be visually obtrusive.
- Premises was being used as late as five years ago when the premises featured in Diarmuid Gavin's RTE Series "Dirty Old Towns" in 2012.
- There is ample car parking in the vicinity with three public car parks within a distance of 300-500metres of the premises, and spaces opposite on Main Street. The premises will be used for community use mainly during off peak hours therefore will not have significant impact on traffic in the area.
- Proposed development will not injure the nature of the protected structures around the development and will not compromise privacy or security.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

7.0 **Assessment**

7.1 I propose to consider the key issues in determining this appeal under the following broad headings:

- Procedural Issues
- Principle of Development - Architectural and Heritage Impact
- Impact on the amenities of adjoining and adjacent properties
- Car Parking, traffic management and circulation
- Other matters

7.2 **Procedural Issues**

7.2.1 The Third Party appellant has called into question the validity of the application questioning the applicant's legal interest in the site. Whilst the matter of ownership is a legal issue, an applicant for permission is required under the legislation to demonstrate that they have a sufficient legal interest in the site or property to carry out the proposed development, or the written consent of the person who has that legal interest. I note that the first party has provided a copy of land registry documentation indicating the extent of Folio 32354F which conforms with the red line boundary of the appeal site. The third party appeal submission to the contrary contends that the passageway is in the appellant's ownership and refers to an Indenture of Conveyance dated 12th July 1895 and has indicated that legal proceedings are underway in this regard. I consider that it is not a matter for the Board to determine the issue of ownership. In my view the applicant has demonstrated sufficient legal interest to make the application and has complied with the legislative requirements in this regard. The issue of land ownership is not a matter for resolution within the planning appeal process and the appropriate mechanism for resolution of such disputes of a legal nature is the preserve of the

courts. I would refer the Parties in this regard 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 to carry out any development.

7.2.2 I note anomalies within the description (specified floor area of extension 22.5 sq.m whereas that refers to only one of the two floors) however I note that the drawings demonstrate the proposal clearly and therefore I consider that the third party's understanding of the proposed development was not compromised by the description.

7.3 Principle of Development - Architectural and Heritage Impact

7.3.1 The submissions on behalf of the first party outline the context of the development proposed for retention and proposed development. The planning application arises following the issuing of enforcement notice by the local authority following unauthorised works to the structure on site. The structure was purchased by the applicant in 2015 in a state of dereliction and the unauthorised works clearly ill-advised and inappropriate to a protected structure, were carried out with a view to maintaining the community use of the building. The application includes a conservation and restoration plan by MCOH Architects which addresses the architectural evolution of the site and the advancement of a proposed restoration plan in some detail.

7.3.2 The requirement for renovation and repair of the building on the appeal site is not questioned by the third party appellant and on conservation and architectural heritage grounds indeed the principle is welcome. I consider that the renovation, repair alterations and extension of the building is appropriately justified and in terms of providing for modern standards of accommodation and facilitating a viable use within the protected structure. On the basis that the proposal complies with a number of key local area plan objectives including those to support the reuse of land and buildings, to facilitate sustainable community facilities and to tackle town centre dereliction and disuse the principle of development is acceptable subject to detailed matters.

7.3.3 The location of the appeal site within the town core, designation of the protected structure within a cluster of protected structures demands a high quality of design and workmanship. In terms of the recent works already carried out to the existing protected structure, I note that the restoration plan specifies in some detail the scope of works required as part of the conservation plan for the structure to reverse the significantly inappropriate interventions particularly with reference to chipboard flooring, foil backed insulation and timber battens and removal of original joinery, and cornicing plaster and stone walls. Whilst the wording of application public notices is somewhat contradictory in specifying **“retention of internal timber studwork on ground and first floors. Internal dry lining.”** and also referring to **“repair and replace internal and external features fixtures and fittings as specified in the conservation report”**, I am satisfied that this matter can be addressed by way of condition as recommended in the submission of the Department of Arts Heritage Regional and rural affairs.

7.3.4 As regards the proposed two storey rear extension for services I consider that the proposal is justified and will not compromise the special interest of the protected structure. I consider that the proposed new works are justifiable and visually differentiated from the fabric of the existing building. I consider that the proposals represent an acceptable alteration in the context of the reinvigoration of the historic building with a highly desirable community function. As regards proposed external staircase I do not consider that it will be obtrusive in the context of the adjoining protected structures.

7.4 Impact on the amenities of adjoining and adjacent properties.

7.4.1 The third party appellant’s express concerns regarding impact to windows on rear return of the appellants dwelling. Having regard to the character of the existing local area, and the established amenities, I note that an appropriate balance needs to be achieved between protecting the established residential and other amenities of the area and providing for an appropriate level of advancement that will enable a viable use and sustainable development. Having regard to the urban location of the site and to the previous use, I consider that it would be unreasonable for the third party appellants to expect stagnation. In my view the proposed design provides suitable

and appropriate protection of residential amenity and this can be addressed by condition.

7.4.2 I consider that subject to appropriate mitigation measures and good management, there is no reason to believe that the proposed development will have an undue impact on residential amenity in terms of noise and general disturbance. I consider that the proposed development will contribute positively to the amenities of the vicinity and the town of Portarlinton and is in the interest of the proper planning and sustainable development of the area.

7.5 Car Parking, Traffic Management and Circulation.

7.5.1 On the issue of perceived traffic problems and congestion I note the central and accessible location of the site within the town of Portarlinton and I consider that the location is entirely appropriate for community use given the likely hours of operation, opportunities for alternative means of access and use of public car parking areas. As regards the assertion that the development will give to traffic congestion, I do not consider that any significant increase is likely as a result of the development.

7.6 Other Matters - Appropriate Assessment Screening

7.6.1 The River Barrow part of the River Barrow and River Nore SAC (Site Code 002162) flows through Portarlinton. The site synopsis lists the qualifying interests of the River Barrow and River Nore site in terms of Annex I habitats and Annex II species listed in the EU Habitats Directive. The habitats are alluvial wet woodlands and petrifying springs (both priority habitats), old oak woodlands, floating river vegetation, estuary, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs. The species are sea lamprey, river lamprey, brook lamprey, freshwater pearl mussel, Nore freshwater pearl mussel, freshwater crayfish, twaite shad, Atlantic salmon, otter, the snail *Vertigo moulinsiana* and the plant Killarney fern. The Conservation Objectives for the River Barrow and River Nore SAC, Version 1.0 19th July 2011 set out site specific objectives for the overall objective which is to maintain Annex I habitats for which the site has been

selected at favourable conservation status and to maintain the Annex II species for which the site has been selected at favourable conservation status.

7.6.2 Having regard to the limited nature and scale of the development and the fully serviced nature of the site it is reasonable in my view to conclude that the proposed development individually or in combination with other plans and projects would not be likely to have a significant effect on the River Barrow and River Nore SAC or any other European Site in view of the site's conservation objectives and a stage 2 appropriate assessment is not therefore required.

7.6.3 As regards fire safety and access issues these are appropriately matters to be addressed as part of disability access and fire safety certificates.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

Reasons and Considerations

Having regard to the zoning objective for the site, the central location, the design and form of the development proposed for retention and proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Laois County Development Plan 2017-2023, the Portarlinton Local Area Plan 2012-2018, and the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts Heritage and the Gaeltacht 2011, would not seriously injure the amenities of adjacent residential property in the vicinity, would not be prejudicial to public and environmental health, would be acceptable in terms of traffic safety and convenience and would not have a significant adverse effect on the character of the protected structure or adjacent protected structures. The proposed

development would therefore, be in accordance with the proper planning and sustainable development of the area.

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 the 6th day of April 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. (a) The internal repair recommendations as set out in the conservation and restoration plan by MCOH Architects shall be expanded into a specification of conservation works with cross reference to detailed drawings. Details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
(b) Repair recommendations to the existing building as required in (a) above shall be carried out prior to the commencement of construction of the rear extension.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works

shall be designed to cause minimum interference to the retained buildings and facades and fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings / features, joinery plasterwork features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Prior to commencement of development, details of the materials, colors and textures including sample panels of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. Water supply and drainage arrangements shall comply with the requirements of the Planning Authority for such works and services, and shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of public health.

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

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

7. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

Brid Maxwell
Planning Inspector

5th September 2017