



An
Bord
Pleanála

Inspector's Report 248872.

Development	Permission to widen access from public road to existing rear yard including partial demolition of existing dwelling
Location	Bawn Street, Strokestown, County Roscommon
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	17/190
Applicant(s)	Percy Hanly
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Percy Hanly.
Date of Site Inspection	28 th September 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- The site is located on the north side of Bawn Street, Strokestown, which leads from a four way junction in the centre of the town to Strokestown House. The site is located on the northern side of the street in close proximity to the N5 national primary route which runs through the town, forming two of the legs of the adjacent four way junction, west along Church Street and south along Bridge Street. The remaining arm of the junction runs northwards as Elphin Street. The town is laid out along an east west axis (Church Street and Bawn Street) which is very wide and leads to the entrance to Strokestown House. The narrower, subsidiary axis (Elphin Street/Bridge Street) which crosses this impressive approach to the House is now the focus of commercial activity.
- The site is associated with a supermarket which has access onto Bawn Street and also to Elphin Street (N5). Bawn Street is exceptionally wide in comparison to its short length, from the crossroads to the gates of Strokestown House, and is nowadays divided into a central roadway with car parking to either side partly separated from the carriageway by a footpath. There is a significant amount of off-roadway car parking in this area.
- Bawn Street which is the approach road to Strokestown House is part of a designated architectural conservation area in the Strokestown Local Area Plan
- The subject dwellinghouse is within the architectural conservation area. It is an attractive 2 storey 4 bay building, part of a terrace of similar but not identical buildings which runs from the junction. The dwellinghouse is separated from the adjacent house to the east by a laneway which provides access to the rear of the dwelling. This rear area is now linked to the applicant's other properties where a supermarket has been developed with frontage to both Elphin Street and Bawn Street. The footpath is of notable quality being formed by flagstones and limestone kerbs. At the laneway the limestone kerbs return to meet the end of each building.
- The site has a stated area of 0.064 hectares

2.0 Proposed Development

- The proposed development is the widening of the laneway access (referred to above) from the public road to the existing rear yard including partial demolition of the existing dwelling.

3.0 Planning Authority Decision

- **Decision**

The planning authority decided to refuse planning permission for one reason, which includes the impact on the Architectural Conservation Area, policy 3.2 of Strokestown Area Plan 2014-2020. Section 6.3 of the Roscommon County Development Plan 2014-2020 and in particular 6.1; and that a sufficient case has not been made for the partial demolition of the structure in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities.

- **Planning Authority Reports**

3.1. The Planning Report includes:

- Report of pre-planning meeting. The agent was advised that demolition of a portion of the building in the ACA in order to widen the entrance is not considered acceptable by the planning authority. He was advised that the Strokestown Area Plan 2014-2020 contains policies to protect the character of the ACA and given the location of the building on the approach to Strokestown Park House its partial demolition is unacceptable.
- It is also identified as a building of interest (No 6 on Map 3b).
- The agent stated that he would be lodging a planning application for retention to address a number of non-compliance issues related to PD 11 12 and PD 11 110.
- Strokestown is a key town in the Regional Planning Guidelines, policy 2.4 and 7.1

- The site is zoned core town centre.
- The LAP outlines that there are extensive tracts of unutilised or underutilised or abandoned lands identified as opportunity sites OS1, OS2 and OS3. The development of these lands may involve amalgamation of lands in different ownerships. The site is in OS2. Alternative access to facilitate development is available, although not necessarily within the ownership of the applicant.
- Section 82(2) of the Planning and Development Act requires consideration of the likely material effect on the character of the architectural conservation area. It is considered that the proposed development would adversely impact on the integrity of the Strokestown ACA and that it does not comply with criteria set out in the DoEHLG guidelines in relation to development in conservation areas and is also at variance with the CDP and LAP.
- Objective 6.16
- Policy 3.2
- It is not considered that the applicant has satisfactorily demonstrated adequate reason to allow the partial demolition.
- Bawn Street as an avenue leading to Strokestown House is extremely important. The streetscape provides a notable and appropriate approach to the gothic entrance of Strokestown House, which is an important tourist amenity and historical and architectural asset to the town. The dwelling which is to be partially demolished forms an integral part of the streetscape which leads to and frames the approach road to Strokestown House.
- Bawn Street is an important example of a 19th century streetscape which should be preserved in its entirety.
- The central location of the subject dwelling within the street results in the structure significantly contributing to the quality of the streetscape. It is considered that removal of part of the dwelling would create a gap in the streetscape and affect the visual setting of the area. The retention of the

building in its entirety is merited having particular regard to the buildings' location in the ACA and the specific provisions in the LAP, CDP and DoEHLG Guidelines with regard to the need to retain buildings which contribute to the special character of the ACA.

3..2. Other Technical Reports

- Strokestown Operational Area – currently all customer and delivery parking for this supermarket is provided by the public parking area on Bawn Street. In order to alleviate occasional congestion in this area it should be considered for the applicant to provide adequate private customer and delivery parking to the rear of the supermarket. Any required alterations to existing public footpath as a result shall be agreed and approved by Strokestown Operational Area Engineer.

- **Prescribed Bodies**

- The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs has made a submission which includes:
 - The road is not a throughway for traffic being the principal approach to Strokestown Park, a house and demesne regarded as nationally important. Bawn Street and Church Street form the principal axis and vista of this historic estate town, connecting Strokestown Park with the Church of Ireland church. Bawn Street has five protected structures, in addition to the entrance features to Strokestown House, highlighted by the NIAH.
 - The LAP 2014-2020 states:

In order to preserve the character of the town for future generations to enjoy, the Council will endeavour to put in place measures and policies to ensure that the integrity of the towns historic fabric is safeguarded. An Architectural Conservation Area (ACA) is designated boundaries which include much of the core of the town where there are many historic buildings. Not all of these buildings merit individual protection as protected structures, but as a group are significant and their retention important for the character of the town.

The requirement of the legislation governing ACAs is that the character of such an area should be preserved. This amounts to the retention of original features and later features of heritage value...this does not just mean facades as other parts of the exterior of historic buildings, such as roofs, chimneys, rear and side elevations and lanes and outbuildings also form a significant part of the character of this ACA.

- The importance of Bawn Street is stated in the LAP 2010-2016:

Bawn Street was considered in the LAP 2004-2009 to be of special Architectural and Social Interest as it was unique in the town, it not being a transport route, but leading solely to the demesne and because it was here that the aspirations of the landlord in controlling the architecture of the town were most evident; significant buildings such as Hartland House, which was the estate's rent collector's house, and Dower House are located here, both of which are protected structures. These and other buildings lining Bawn Street make a significant contribution to the setting of the entrance to the Strokestown Park demesne. An image in this document (p49) includes the building that is the subject of the current proposal with the caption: Buildings of interest on the north side of Bawn Street which form part of the character of the town.
- The Roscommon County Development Plan 2014–2020 is referred to as regards its objective to conserve and protect groups of structures or parts of structures which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest; and that the onus will be on the applicant to justify demolition of a building in an ACA where applications for demolition will only be considered in exceptional circumstances.
- The previous Board refusal is cited.
- The Architectural Heritage Protection Guidelines for Planning Authorities, published by the Department of Arts, Heritage and the Gaeltacht, 2011, is cited, which poses questions in relation to the material effect that that proposed demolition may have on the character of the ACA: a) Does the structure (or part of the structure) to be demolished contribute to the character of the area? b) What effect would removal of the structure have on the setting

of other structures in the area, the balance of an architectural composition or the setting of any adjacent protected structures? c) Would the character and special interest of the whole of the structure or of the ACA be diminished by the demolition of a part? d) Has the extent and potential impact of the proposed demolition been minimised? e) Are there alternatives to demolition, even where the structure is in poor condition? f) In the case of accidental damage, could demolition be avoided and the structure saved by carrying out repairs or providing temporary support or shelter to the fabric? g) Is partial demolition justifiable in the interests of the retention of the remainder of the structure? h) If the special interest of the structure lies in its largely unaltered state, could permission be given to demolish any part of it without damaging that special interest? i) Has the incorporation of the structure (or part of the structure) into a new development on the site been given adequate consideration? j) What are the merits of alternative proposals for the site, taking into consideration the development plan objective to conserve the character of the area?

- The Department believe that the character of the ACA would be adversely affected by the current proposal. It is their opinion that a significant aspect of the interest of the building in question lies in its relatively intact condition, which contributes strongly to the character of the ACA. The proposed partial demolition would adversely alter the balance of the façade composition. They are also concerned that the proposals could reduce the potential of the house to be used as domestic accommodation on what was historically a residential street. They recommend that the planning authority engage with the applicant to establish if there is an alternative point of entry for the supermarket. They are also concerned that the proposed partial demolition of the house could undermine its structural integrity notwithstanding any proposed safeguards and rebuilding proposals.
- They advise on further information a) a conservation report on the house, examining the interior as well as the exterior and the impact of the applicant's proposals, b) proposals for future use, c) bearing in mind that there is a substantial loading bay outside the entrance and that it is clear that there is

ample car parking in this street, reasons as to why it is essential to access the store / supermarket through the narrow laneway.

4.0 Planning History

PD/16/444 planning permission granted for retention of extensions to shop consisting of extended retail area and new goods store and to retain and complete construction of external hard paved area.

PD/11/334 planning permission granted for change of use of habitable area to shop unit and provision of a shop front.

PD/11/12 planning permission granted for construction of extension to shop.

234278 (PA reg. ref. no. 08/1408) extension to shop, change of use of part of habitable area to shop use, demolition of further part of habitable dwelling in an Architectural Conservation area to provide new access to car parking area to the rear.

Split decision

Grant permission for the extension to the existing shop and change of use of part of habitable area in existing end of terrace dwellinghouse to a shop ancillary area; and refuse permission for demolition of a further part of the dwelling house, for the reason that the proposed development which would involve the partial demolition of the existing dwellinghouse on site which forms part of an architectural conservation area as designated in the Strokestown Local Area Plan 2004-2009 would be contrary to planning objective 2 set out in the said plan which seeks to prevent the demolition or partial demolition of any building or structure within the ACA that contributes to its character and promotes the maintenance and appropriate sustainable reuse of the existing building stock. The proposed development would not be in accordance with the above objective and would therefore be contrary to the proper planning and sustainable development of the area.

PD/02/1183 planning permission granted for a revision of a front elevation.

PD/98/1134 planning permission granted to change a window opening to a door opening at the front elevation of the existing supermarket fronting onto Bawn Street.

5.0 Policy Context

5.1. Development Plan

5.2. Roscommon County Development Plan 2014-2020 is the operative plan. It includes:

Policy 6.1 Identify and protect the architectural heritage of the county and manage any change to that heritage in such a way as to retain its character and special interest.

Policy 6.4 Protect the built heritage within an area or in the setting of protected structures, through the designation of appropriate Architectural Conservation Areas.

Policy 6.5 Seek the conservation and enhancement of historic gardens, parks and designed landscapes, where appropriate. Use the designation of Architectural Conservation Area where considered appropriate to preserve the character of a designed landscape.

Objective 6.11 View as unfavourable, development which is likely to adversely affect the character of a protected structure or the setting of a protected structure.

Objective 6.16 Take such steps as are necessary to ensure the preservation of the special character of Architectural Conservation Areas.

5.3. Strokestown Area Plan 2014 -2020 includes:

The Strokestown Area Plan has been prepared in conjunction with the Roscommon County Development Plan 2014 – 2020.

Strokestown as a settlement is defined to a large extent, in physical terms, by its architectural heritage. Apart from the presence of Strokestown House the town is defined by a particularly distinctive wide street pattern and features individual buildings and streetscape worthy of preservation and continued upkeep.

In order to preserve the character of the town for future generations to enjoy, the Council will endeavour to put in place measures and policies to ensure that the integrity of the town's historic fabric is safeguarded. An Architectural Conservation Area (ACA) is designated boundaries which include much of the core of the town where there are many historic buildings. Not all of these buildings merit individual protection as protected structures, but as a group are significant and their retention important for the character of the town. The area is considered to be of special Architectural, Historic and Social interest. Map 3b indicates the extent of the ACA.

The requirement of the legislation governing ACAs is that the character of such an area should be preserved. This amounts to the retention of original features and later features of heritage value, the repair of the buildings and features with materials and methods that are compatible with the original and in accordance with best conservation practice. Many normal planning exemptions do not apply. The restrictions however extend to the exteriors only, not the interiors, but this does not just mean facades as other parts of the exterior of historic buildings, such as roofs, chimneys, rear and side elevations and lanes and outbuildings also form a significant part of the character of this ACA. The Architectural Heritage Protection Guidelines for Planning Authorities by the DECLG offer guidance on this. There are a few buildings within the ACA which are not of heritage value - these could be replaced with new buildings which are sympathetic in form, scale and materials to the character of the area.

Policy 3.2 Preserve the character of the Strokestown Architectural Conservation Area (ACA) as indicated on Map 3b.

Policy 5.1 Identify infill brownfield sites that allow for appropriate development of the urban fabric of the town compatible with assigned zoning objectives. Prioritise, in as far as is practicable, the re-occupation and redevelopment of derelict and semi-derelict building stock.

Policy 5.2 Endeavour to develop vacant backlands in a concentrated non piecemeal way so as to achieve optimum design solutions.

Policy 5.3 Ensure that prospective development in areas zoned for Town Centre and Peripheral Town Centre uses respect the existing and established architectural styles in terms of design, finishes.

Policy 7.1 Encourage the development and expansion of the retail sector in Strokestown to facilitate the provision of local retail needs.

Objective 5.1 Co-operate with and advise prospective businesses/developers in relation to the opportunity and planning feasibility of occupation of vacant commercial/residential units during the lifetime of the Plan. See Map 2, identifying opportunity sites labelled OS 4 and OS 5.

Objective 5.2 Cooperate with and advise prospective developers and landowners in relation to the opportunity for the development of backland areas in a coordinated and concerted manner (as opposed to fragmented piecemeal type development). See Map 2 identifying opportunity sites OS1, OS2 and OS3.

Land Use Zoning Objective - TC1Core Town Centre (Mixed Development) Protect and enhance the vitality, function and form of the town centre having regard to any Architectural Conservation Area and the overall status of the heritage in the area. Provide for a range of residential and commercial facilities within an attractive accessible environment with adequate provision for associated vehicular requirements – including parking and loading.

5..4. Architectural Heritage Protection Guidelines for Planning Authorities, the Department of Arts, Heritage and the Gaeltacht, 2011

- The applicant and the planning authority should consider the material effect that that proposed demolition may have on the character of the ACA: a) Does the structure

(or part of the structure) to be demolished contribute to the character of the area? b) What effect would removal of the structure have on the setting of other structures in the area, the balance of an architectural composition or the setting of any adjacent protected structures? c) Would the character and special interest of the whole of the structure or of the ACA be diminished by the demolition of a part? d) Has the extent and potential impact of the proposed demolition been minimised? e) Are there alternatives to demolition, even where the structure is in poor condition? f) In the case of accidental damage, could demolition be avoided and the structure saved by carrying out repairs or providing temporary support or shelter to the fabric? g) Is partial demolition justifiable in the interests of the retention of the remainder of the structure? h) If the special interest of the structure lies in its largely unaltered state, could permission be given to demolish any part of it without damaging that special interest? i) Has the incorporation of the structure (or part of the structure) into a new development on the site been given adequate consideration? j) What are the merits of alternative proposals for the site, taking into consideration the development plan objective to conserve the character of the area?

5..1. **Natural Heritage Designations**

- The Annaghmore Louth (Roscommon) SPA site code 001626 is the nearest Natura Site located c 3km from the site.

6.0 **The Appeal**

6..1. **Grounds of Appeal**

- An appeal has been made by Fergal Geoghegan & Co Consultant Civil Engineers on behalf of the first party against the decision to refuse permission. It includes:
- Responding to the planning report:
 - Regarding the pre-planning meeting: the agent pointed out policies encouraging the development of the core town centre of Strokestown; that the works will have no impact on the character or special interest of the ACA; that support for the applicant's type of business is a priority of the Plan; that the proposal is a trade-off between protecting the heritage

of the town and the requirements of a sustainable living enterprise on which the local community depend; they requested that due weight be given to the current and future needs of the applicant to sustain and develop his grocery store at this location and to the support given in the Development Plan to such enterprises at such town centre locations; it was pointed out that the negative view of the subject application was a complete reversal of the previous positive opinion when considering PD08/1408.

- Regarding planning policy: the report refers to the CDP Chapter 3, and the LAP Chapter 2 and Chapter 7. The strategic aim of supporting sustainable development Chapter 2 of the LAP and in particular policy 2.8 has not been referred to in the report.
- Submissions / Observations – none from the local property owners, general public.
- Assessment – this makes no reference to Chapter 3; and policy 3.14 and 3.16 are cited in the grounds. The applicant's grocery store also contains a newsagent and cafe and its location and scale are an exact fit with these policies.
- Roscommon County Council has carried out certain improvement works in the vicinity of the supermarket which have had a negative impact on the operation of the business:
- The construction of a roundabout – has necessitated the channelling of the flow of traffic. The construction and formation of a curved footpath out into the wide streets of Bawn St and Church St. These works have impacted on the business, reducing the available car parking on both Elphin st and Bawn St. This has forced customer and delivery vehicle parking further away from the supermarket. The raised footpaths, islands and restricted areas to be negotiated have complicated vehicular access. The construction of a ramp to provide access to the Strokestown Operational Office of Roscommon County Council (RCC) had impacted negatively on the business, requiring alteration to the footpath layout and removal of a reserved loading bay for the supermarket. This has resulted

in loss of parking / loading in close proximity to the entrance door. Large delivery vehicles are now forced to drive further down Bawn Street to find a suitable place to park. Car parking restrictions, difficulty with access, interaction between customer parking and delivery vehicle movements and space requirements discourage customers in a competitive environment. The problems resulting from RCCs work can be alleviated by the proposed development.

- The planning report neglects to note policies: 2.8, 5.1, 5.2 and the introduction to Chapter 5 of the Strokestown LAP, which are cited, and objective 5.2, which is cited. From these it is clear that RCC's adopted policy of encouraging, facilitating and protecting businesses such as this is a policy priority.
- The reference to OS2 is somewhat misleading. The site does not form part of OS2 but forms the only access to the new store and rear yard of the applicant's property which are both within OS2. There is no other suitable vehicular access to the applicant's part of OS2. The continuous terrace on the east side of Elphin St from the roundabout to well past the Church prevents access. Covered archways including one to the applicant's property are unsuitable. Similar covered archways on Bawn St are unsuitable. There are two uncovered archways on Bawn St, the other west of Hartland House was proposed as a means of access for housing and was refused on access grounds. OS2 abuts Elphin St at the north west corner. Access from that location to the applicant's property would involve a 200m road, traversing multiple properties. A map attached to the grounds illustrates the point.
- Built Heritage - demolition is not prohibited, guidelines for such are at section 6.4.1.
- The impact on the character of the ACA is exaggerated. There will be no material effect. The planning report states that the development will create a gap in the streetscape and affect the visual setting. The existing access constitutes a gap which contributes to the visual setting. The gap permits the interesting variation in building forms and styles on the north

side of Bawn St. The proposed works will merely widen the existing gap. The increased width will not be out of scale or disproportionate to the setting of the buildings on each side. It will not have the appearance of a road junction. It will be consistent with the appearance of a traditional access to the rear of a terrace of buildings. It will be fitted with a gate which will only be opened during business hours: a private controlled entrance.

- Re. demonstration of adequate reason, the difficulties that the restricted access creates for the operation of the business have been clearly and repeatedly explained. These difficulties were understood by the planning authority when considering 08/1408 and by the local Area Engineer in the current application.
- Conclusion – the conclusion limits the description of the works to partial demolition, and does not take account of the proposed rebuilding works. Only 5sq m of a 197sq m building will be removed. The house has been unoccupied for 50 years. It takes no account of the strategic aims and policies of RCC to support and encourage sustainable development of the core town centre. The applicant's association with the town, the business he operates, employment provided, service provided, and location are all relevant matters which ought to be taken into account. The benefits of eliminating the need for on-street unloading/loading should be taken into account, to which the Area Engineer's report refers.
- Consultations – response to the DAHRRGA letter. No material impact. Reduction of the solid section between the eastern gable and the first bay of window opes will have no material impact.
- Only 4 people reside in Bawn St. Historically it was a residential street but that is no longer the case.
- There is no alternative entry from the public road to the store and no prospect of an alternative entrance.
- The demolition and rebuilding will be carried out with due regard to maintaining the structural integrity of the building.

- The report of the Area Engineer is referred to. The staff of the Strokestown Operational Area Office have to interact and contend on a daily basis with many of the vehicle movements generated by the applicant's supermarket.
- Photographs – are supplied to show the former loading bay and footpath alteration which eliminates the loading bay.
- Comments
 - This application exposes the conflict between the protection of architectural heritage with the requirements of modern life.
 - The guidelines and policies include all works carried out in such areas, but construction, alteration or adaption are not prohibited; each project being assessed on its own merits. Interpretation is subjective.
 - The LAP chapter 3 refers to the legislation governing ACAs. The proposed works will have no impact on the character of the ACA. The proposed works will have no impact on the character of Bridge St, Church St or Elphin St. The proposed works will have no impact on the wide expanse of Bawn St. or the gothic entrance to Strokestown Park House. The proposed works will have no impact on the south side streetscape of Bawn St or on the north side streetscape of Bawn St, or on the character and setting of the buildings on each side of the applicant's vacant dwellinghouse. The impact of the works will be limited and localised.
 - Re. the conflict between the protection of architectural heritage with the requirements of modern life:
 - Constructing a roundabout in the middle of Strokestown with all attendant footpaths, signage and markings.
 - Removal of textured sandstone paving brick and completed with a steel tube handrail to provide wheelchair access to RCC's office, to comply with Part M of the Building Regulations; very disruptive imposition on the streetscape.
 - Replacement of timber windows and the widening of door opes in RCC's offices to comply with Parts L and M and to comply with the

requirements of modern life. Choice of materials PVC bungalow style windows and doors, concrete brick paving and tubular steel railing, is debatable.

- The proposed work is similarly necessary to comply with modern requirements.
- RCC's roundabout and ramp have impacted adversely on the management and operation of the supermarket.
- The proposed works are necessary because of the restricted width.
- The proposed works involve setting back the gable by 1m, will only have a visual impact on the front elevation when viewed directly in front. The dominant visual feature is of Georgian style covered with Virginia Creeper. These features will remain.
- Visual impact is the only issue.
- The planning authority has reversed its attitude, with insufficient regard to the priority placed on policies relating to the development of OS2.
- Such policies are new and were not in the LAP 2004-2009.
- The applicant's yard and store are the first and only developments in OS2 since these policies were adopted. Future development of the applicant's property relies on this access.
- Any renovation work or change of use of the vacant dwellinghouse facing Bawn St cannot be undertaken until the access is usable. This access is the key to unlocking this town centre commercial holding. The exceptional circumstances are clearly valid and justifiable.
- The current application is significantly different to 08/1408, the previous application involved the removal of the complete rooms on both floors and a length of over 4m. The 1m removal will have a much reduced impact on the visual appearance of the streetscape. The inspector's report on 08/1408 suggested at section 9.9 that the existing access could be used for single lane access. This is not workable due to the restricted and converging width of the access as demonstrated by the scratch marks on side walls.

- Final Plea – the impact will be limited to the applicant's vacant dwelling. Considering: the reduced nature, revised policies, prioritisation of OS2 with this as the only viable access, the improvement works carried out by RCC which have eliminated parking and loading bay, the uncontrolled parking in the vicinity, the existing unsuitable access; the proposed widening represents the best compromise solution. The Board is referred again to policies in the LAP and CDP.
- Photographs are attached.
- A letter submitted with the application is attached which includes:
 - The application is necessary as the existing access to the rear yard is restricted in width compounded by the fact that the buildings on each side of the access are not parallel with each other. The existing width measures 2860mm at the front and 2640mm at the rear. The restricted width from time to time resulted in damage to vehicles using the access as wing mirrors or sides of vehicles have come into contact with the stone walls on each side. The entrance width is also restricted by the gates when folded back against the site walls. They project approx. 150mm from the abutting wall, reducing the width by 300mm.
 - The restricted width has rendered the access impassable for most commercial; or construction vehicles which can have an overall width, including wind mirrors, of up to 2.9m.
 - The proposed works will involve the setting back of the eastern gable wall of the existing dwellinghouse facing Bawn Street by 1m. It is intended to rebuild the repositioned able wall parallel with the neighbouring adjoining property. A chimney structure will be built to match the existing. All surface finishes will be consistent with the existing with regard to material, texture and form. The brighter appearance of the new colour will tone down and dissipate in time due to weathering.
 - Bawn Street is an ACA.
 - They refer to section 3.10.3 of the Architectural Heritage Protection Guidelines, item by item:

- a) The existing building, the eastern gable of which is the subject is the application, when viewed from Bawn Street, does contribute to the character of the ACA.
- b) The proposed setting back of the gable wall, complete with chimney, with its rebuilding rendered and finished to match the existing will have no impact on the setting of other structures in the area or of any adjacent protected structure, as the proposed works are located at the free end of the building. The widening of the existing access will have no visual or structural impact on other structures.
- The proposed works will interfere with the architectural composition of the fenestration in that the solid section closest to the western gable will be reduced in width. On the front elevation this gable end is highlighted by the presence of a plastered band or pilaster. The proposed reinstatement will exclude a pilaster and the solid end section will appear more visually balanced. In time Virginia Creeper will grow over the eastern end of the building and will be the dominant feature. There is no view of the rear of the building from a public place.
- The existing Bawn Street façade is unbalanced as there is an extra bay on the western end which does not match the rear of the building with regard to the ratio of solid wall to window/door. The proposed works will have a balanced composition with ratios of 1:1 between the solid section with the window ope and 1:2 with the solid sections between adjacent openings.
- c) The works will have no impact on the character or special interest of the ACA. The building forms part of Bawn Street which is exceptionally wide where there are a variety of building types, heights, sizes and appearances. The adjacent Hartland House has a projecting formal aspect which is unique in both Bawn Street and Church Street. This consists of a projecting double height porch and enclosed front garden, making Hartland House the dominant building

on the north side of Bawn Street. The subject building forms part of the setting for the context of the street. The removal of 1m from the front façade will have little or no impact on the setting for the street.

- The subject building is not a protected structure. The character of the building is formed by the architectural style and the materials used and the use of the building in its setting. The mature Virginia Creeper covering almost the entire front façade contributes significantly to the visual character. The proposed works will have a minor visual impact.
- d) The proposed works will have a much more minimal impact on the subject building than that proposed as part of the previous application Ref No 08/1408.
- The entrance to the access will be fitted with a gate to match the existing.
- e) the existing access is restricted in width. There is no alternative to the setting back of the gable in order to provide vehicular access as there is no other possible means of access to the yard.
- f) not relevant.
- g) the setting back of the gable is essential to the operation of the supermarket. It will free up the limited on-street car parking spaces and eliminate the necessity for on-street unloading, for all but articulated trucks. The works are justifiable in the interests of the management, operation and sustainability of the supermarket business. The works are also justifiable in the interests of customer car parking and to users of Bawn Street. The proposed works will have no impact on the retention of the remainder of the building.
- h) the special interest of the building is largely visual. Impact on its visual appearance will be minimal.
- i) not relevant.
- j) not relevant.
- The policies for Strokestown ACA do not prohibit development.

- Roscommon County Development Plan 2014-2020 p165 refers to 'do not detract from the character of the area'. The proposal does not detract.
- Strokestown Area Plan 2014-2020 Section 5 and 5.1 support development in this area.
- The applicant's year yard, to which this application proposed to improve / facilitate access is the closest part of the town to a large unutilised plot identified as opportunity site OS2 and is the only access available. It is the stated objective to facilitate the development of this part of the applicant's property, and this is the only access.
- The proposal is a compromise between minimising impact on the character of the ACA and facilitating a long-established family owned supermarket; that is, a trade-off between protecting the heritage of the town and the current and future needs of a local town centre grocery which services the living community.

6..1. **Planning Authority Response**

- The planning authority have not responded to the grounds of appeal.

7.0 **Assessment**

7..1. The issues which arise in relation to this appeal are: appropriate assessment, and the impact on the character of the ACA and the following assessment is dealt with under those headings.

7..2. **Appropriate Assessment**

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

7..4. Impact on the character of the ACA

- 7..5. The grounds of appeal advances the argument that there will be limited impact on the ACA and that such impact must be balanced against the needs of the operation and management of the business which is a supermarket providing an important service to the local community in a competitive environment. It points out policy support for commercial development in the area.
- 7..6. As pointed out in the grounds of appeal there is support in the Roscommon County Development Plan 2014-2020 and the Strokestown Area Plan 2014 -2020 for commercial development in this area which is part of the Core Town Centre. There is also considerable protection in these documents for the built heritage and in particular the designation of this area as an ACA confers protection on this building and surrounds.
- 7..7. Justification for the proposal includes the need for commercial vehicles to access the site for loading / unloading. I note that in the previous appeal 234298 the proposal was to widen the laneway / entrance to provide customer parking to the rear.
- 7..8. I note that part of the argument of need advanced is that works to provide universal access to the Area Engineer's office which adjoins the applicant's supermarket, and which involved the removal of a loading bay has contributed to difficulties regarding deliveries.
- 7..9. I concur with the reporting inspector in the previous appeal in noting that there is a considerable amount of off-street car parking available in the general vicinity of the site. It seems to me that there is abundant scope for the provision of a loading bay in the vicinity of the supermarket and I note that condition no. 2 to the permission (234298) which the Board granted for a 192 sq m extension to the existing shop, required the developer to consult with the planning authority in this regard.
- 7..10. The grounds refers to support in the Area Engineer's report for the development. The Area Engineer's report referred to states that the proposal to allow the applicant to provide adequate private customer and delivery parking to the rear of the supermarket, should be considered in order to alleviate 'occasional congestion' in this area. This seems to me to offer tepid support since occasional congestion has not been documented and in any functioning retail environment some congestion is likely to occur for one or two shopping days leading up to Christmas. Even if

evidence of occasional congestion were provided it would not in my opinion be a justification for the proposed demolition.

- 7..11. The grounds refutes the planning authority's assessment, which is also expressed by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in their submission, that the need for the proposed development has not been demonstrated and reiterates points made in the previous application and at a pre-planning meeting that the management and operation of the supermarket business is impeded by the current limited vehicular access.
- 7..12. It can be accepted that better access could mean deliveries by some vehicles directly to the storage yard, and potentially, although not stated in this application, it could mean customers being able to arrive by car close to an entrance door. It is difficult to accept that the current limitations of the access impedes to any significant extent the operation of the business. There is an expanse of public parking on Bawn Street which appears adequate for customer parking and for unloading / loading of delivery vehicles. The premises adjoins the street and public footpath. There does not appear to be any demand for parking which is not currently being satisfied in the immediate vicinity of the supermarket. If long stay parking, such as staff parking for the Area Office or for any other premises were to contribute to excessive parking demand and it must be said that this does not currently appear to be the case, it could be managed by restricting parking duration and by issuing resident permits.
- 7..13. I concur with the reporting inspector on 234278 that the existing vehicular access provides adequate access for most purposes to the first party's yard and property. The damage to adjoining buildings, which is evident and which has been referred to in the grounds, is mainly to the first party's vacant dwelling and may in some way reflect the building's current utility value.
- 7..14. The building appears to have limited value to the first party, as a dwelling, at this time. The grounds states that few of the buildings on this street, which were formerly dwellings, are now in such use. This building no doubt has greater use to the first party in providing a site into which to extend the supermarket and in providing access to the supermarket and to the extensive amalgamated property to the rear in his ownership.

- 7..15. A considerable proportion of the building's value to the local community and wider society is the contribution it makes to the townscape, which in this particular location has merited its designation as an ACA. That designation confers protection to the building and other features which contribute to the character of the area.
- 7..16. It should be recorded in this regard that Strokestown Park and Strokestown House have been developed as a major tourist attraction and the popularity of this destination has economic benefits for the town and particularly the area closest to the entrance to the demesne. The quality of Bawn St. impacts on the potential for Strokestown Park / Strokestown House and the planned town to yield further economic benefits from tourism. Currently there is visual evidence that the area remains largely intact and the planning of the street, its function in relation to the house and its role in the history of Strokestown can still be read in the urban fabric.
- 7..17. It should be noted that the proposed development would impact on more features than street layout, building fabric and the visual appearance of the area. The paved surface of the footpath and the limestone kerbs, referred to earlier in this report, and which are referred to in the grounds of appeal where the *textured sandstone paving brick* is referred to as having been impacted by the provision of universal access to the Area Office, would be severely and negatively impacted by the proposed development. As previously noted the footpath extends to the end of the building and the limestone kerbs align with the gable.
- 7..18. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs made a submission on this application noting that the road is not a throughway for traffic being the principal approach to Strokestown Park, a house and demesne regarded as nationally important. They state that Bawn Street and Church Street form the principal axis and vista of this historic estate town, connecting Strokestown Park with the Church of Ireland church.
- 7..19. They believe that the character of the ACA would be adversely affected by the current proposal. It is their opinion that a significant aspect of the interest of the building in question lies in its relatively intact condition, which contributes strongly to the character of the ACA. The proposed partial demolition would adversely alter the balance of the façade composition. I agree with this assessment.

- 7..20. They are also concerned that the proposed partial demolition of the house could undermine its structural integrity notwithstanding any proposed safeguards and rebuilding proposals. The grounds, in response, states that the demolition and rebuilding of the gable wall will be carried out with due regard to maintaining the structural integrity of the building. The substantial structural contribution from the thick wall and chimney stack leads me to share the Department's concerns that the proposed development could compromise the remaining structure.
- 7..21. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs are also concerned that the proposals could reduce the potential of the house to be used as domestic accommodation on what was historically a residential street. The proposed demolition would reduce the size of the sitting room which is currently c4m x 6.3m to 6.3m x 2.866m at its narrowest point at the back of the building; the demolition involves loss of a larger width of building at the back. A reasonably well proportioned room would become excessively narrow. The reduction in size of two modestly sized first floor bedrooms would also be significant and would greatly reduce their suitability as bedrooms. It has been noted that the dwelling has not been resided in for a considerable period of time but the first party gives no details of his period of ownership. It is to be expected that the development of Strokestown Park / Strokestown House, which opened as a tourist destination in relatively recent years, with the Irish National Famine Museum being established there in 1994, will by its presence improve the attractiveness of Bawn Street for residential and related use, including overnight rental accommodation such as the B&B on the street.
- 7..22. The grounds refers to the lesser impact of the proposed development by comparison to the previous proposal.
- 7..23. The Board had the opportunity previously to consider the demolition of 1m of the dwelling. When considering the previous appeal, the Board issued a Section 137 notice stating its opinion that the existing dwellinghouse should be kept intact and inviting the applicant to submit revised drawings showing retention of the house and access to the car park to the rear controlled by traffic lights which would only permit single car entry/exit with priority for traffic entering the site from the public road. In response the applicant submitted a revised drawing showing a reduction in the scale of demolition from a width of 4.245m as originally proposed, to 1m.

- 7..24. The Board had therefore the opportunity to consider demolition similar to that proposed in the subject application but refused permission for the demolition.
- 7..25. In my opinion the proposal fails to put forward reasonable justification for the partial demolition of the building as required by the Guidelines. The affected building makes an important contribution to the street frontage forming part of the ACA, and which is part of the grand entrance / principal approach to Strokestown Park, a house and demesne regarded as nationally important. Bawn Street and Church Street form the principal axis and vista of this historic estate town, connecting Strokestown Park with the Church of Ireland church and its importance includes the fact that it was here that the aspirations of the landlord in controlling the architecture of the town were most evident. Elements including the lane, footpath and kerbs and the use of the building as a dwelling also form a significant part of the character of this ACA. Widening of the gap between the buildings, narrowing the building width and the reduction in the footpath would all impact on the character of the ACA. The reduction in the room sizes would not assist in securing the re-use of the building as a dwelling and the demolition poses a serious risk to the integrity of the building having regard to the nature of the work.

8.0 Recommendation

- 8..1. In the light of the above assessment, I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1 It is considered that the proposed development which would involve the partial demolition of the existing dwellinghouse on this site which makes an important contribution to this architectural conservation area as designated in the Strokestown Local Area Plan 2104-2020 would be contrary to planning policy 3.2 and objective 6.16 of the Roscommon County Development Plan which seek to prevent the demolition or partial demolition of any building or structure within the Architectural Conservation Area that contributes to its character, and promotes the maintenance and appropriate sustainable re-use of the existing building stock. The proposed

development would not be in accordance with these provisions and would therefore be contrary to the proper planning and sustainable development of the area.

2 The proposed development is not justified by the necessity for improved access to the rear of the building and would be contrary to the guidance in the Architectural Heritage Protection Guidelines for Planning Authorities because it would detract from the quality and features of Bawn Street which is part of an Architectural Conservation Area.

Planning Inspector

18th October 2017

Appendices

- 1 Photographs
- 2 Extracts from Roscommon County Development Plan 2014-2020
- 3 Extracts from Strokestown Area Plan 2014 -2020