



An
Bord
Pleanála

Inspector's Report ABP-301540-18

Development	Change of use from bookmakers office / residential to two self catering guest rooms, changes to the front elevation including altering the openings and changing the front façade from plaster to stone and erection of a hotel sign together with all associated site works
Location	Market Square, Tinahely, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1010
Applicant(s)	Colin Horan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First against condition
Appellant(s)	Colin Horan
Observer(s)	None

Date of Site Inspection

2nd August 2018

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located in Market Square, Tinahely, Co. Wicklow. The site is adjacent to Murphy's Hotel. The building was most recently used as a betting shop but has been unused for a number of years. The uses on this side of the square include residential, retail and hotel/public house. The site is located within the Tinahely Architectural Conservation Area. The typical finishes of the remainder of the square include painted and plastered walls, traditional shop fronts and painted architraves.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Change of use from bookmakers office/ residential to two self catering guest rooms.
 - Alterations to shop front to include new hotel sign, removal of existing plaster finish to expose original stone wall and alterations to fenestration to provide for two smaller windows at ground floor level instead of the existing large window.
 - The total floor area is 64 square metres.
 - A letter from a Conservation Architect was submitted following the F.I. Request. The Conservation Architect stated that the proposed removal of the plasterwork to the façade would have a detrimental effect on the streetscape as the whole village square is unified by plaster facades. It recommended that the plaster to the façade should not be removed but should be restored once any works of any necessary repair were carried out and the walls painted in an appropriate colour.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to conditions. Noteworthy conditions include the following:

- Condition 2 required that the rooms shall not be let out or sold separately from the main hotel and the development shall be retained within the one planning unit unless a further change of use application is submitted.
- Condition 3 required that within three months from the date of final grant, revised details demonstrating the reinstatement of traditional painted plaster work to the front façade of the adjoining associated hotel premises shall be submitted to the Planning Authority. The final plastered painted finishes on both premises shall match/complement each other.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report (9/10/17) noted that the site is located within the Tinahely Architectural Conservation Area and was concerned that the proposal would have a detrimental impact on the character of the ACA and required a Conservation Report by way of a Further Information Request.
- A google streetview image from 2009 demonstrating a plastered finish on all of the front of the hotel is attached to the report.
- The second planner's report noted that a conservation report submitted by the applicant stated that it was not proposed to remove the plasterwork as originally proposed and it was proposed to reinstate the plasterwork where it had been already removed.

3.2.2. Other Technical Reports

- Area Engineer required further information in relation to if any changes were proposed to the footpath.

3.3. **Prescribed Bodies**

Irish Water- no objection.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

PA 06/6720: Permission granted for change of use from existing retail unit to bookmakers office and all associated works.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. **Wicklow County Council Development Plan 2016-2022**

- Tinahely is a Level 5 Settlement.
- Section 10.2.3 – Architectural Heritage. Site is located within an Architectural Conservation Area.
- ACA Objectives BH18 and BH19.

Tinahely Town Plan

- Site is zoned as 'TC' Town Centre.
- Relevant objectives include the following:
- TIN8: To protect and enhance the traditional character and setting of the town centre.
- TIN18: To protect the character of the Tinahely ACA in accordance with the objectives set out in Chapter 10 of the CDP.

The Architectural Heritage Protection Guidelines for Planning Authorities (2004) set out certain principles in relation to Architectural Conservation Areas.

5.3. **Natural Heritage Designations**

Site is located close to the Slaney River SAC.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Appeal Condition 3 only - request the Board to remove this condition.
- This condition is not appropriate as it is considered that the requirement to re-plaster the wall of the adjacent hotel is a planning enforcement matter and should not be included in this instance.

6.2. **Planning Authority Response**

- None.

6.3. **Observations**

- None.

6.4. **Department of Culture, Heritage and the Gaeltacht Response**

- The Dept. is in agreement with the views and recommendations expressed in the conservation architect's report. This submission is in line with appropriate conservation and with best practice and guidance.
- The Department requests that the Board include conditions in any grant of permission for:
 1. The works to be carried out under the supervision of an appropriately qualified conservation architect.

2. The works to be carried out as per this Department's guidelines, i.e. Architectural Heritage Conservation Guidelines (October 2011) and this Department's Advice Series on architectural heritage conservation.
3. Site exemplars to be provided of the proposed lime render restoration and decoration to historically correct details including the coursing/ lining out based on historically correct details of the adjoining properties to be confirmed.

7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 3 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended in this case.
- 7.2. Condition No. 3 requires that *'Within three months from the date of the final grant revised details demonstrating the reinstatement of traditional painted plaster work to the front façade of the adjoining associated hotel premises shall be submitted to the Planning Authority. The final plastered painted finishes on both premises shall match/ complement each other.'*
- 7.3. The site is located within the Tinahely ACA but is not a protected structure. A Conservation Report submitted in response to an F. I. Request stated that there was no change to the footprint of the building and the new openings would have a positive impact on the ACA as the existing shop front and window are not of an appropriate size or design. It was recommended that the plaster to the façade shall not be removed and would be detrimental to the setting of the square. Page 5 of this report includes a photograph of the square which indicates that the exposed stone walls do not match up with other buildings which are finished with painted plaster walls. It advises as follows:

- 7.4. *'With regard to the frontage of the adjoining building... even though the necessary repairs have been well carried out to the façade that a new planning application should be made setting out the specification for a lime plastered façade to rectify the current non compliant elevation and complete the painted setting of the square.'*
- 7.5. The response to the F.I Request states that *'at the time those works were carried out my client was unaware of the ACA designation in which his adjacent property lies. He carried out those works in good faith genuinely believing them to be an enhancement of his property and streetscape. A proposal, at the time of writing, for permission for development at the hotel is currently being prepared and it is my client's intention to include rectification works for the façade on the front elevation in that application. However, if directed by the planning authority to carry out these works sooner, then he will comply with that direction as soon as weather permits.'*
- 7.6. The response to the appeal from the Department of Culture, Heritage and the Gaeltacht supports the Conservation Report and recommends that the Board include conditions in any grant of permission.
- 7.7. I am in agreement with the Conservation Report that the removal of the plaster wall of the adjoining hotel is at odds with other buildings in Market Square. All other buildings have plastered and painted elevations. However, I note that this related to an adjoining building which is not outlined as part of the site in red or blue as being in part of the same ownership in the planning application. As such, I am not satisfied that this condition is in accordance with the criteria set out in Section 7.3 of the Development Management Guidelines for Planning Authorities 2007.
- 7.8. Both the Further Information Response and the letter from the Conservation Architect outline that there will be a future planning application for rectification works to the front façade of the elevation of Murphy's Hotel. I note that no applications have been submitted to date to Wicklow County Council for these works.
- 7.9. The main issue before the Board is whether Condition 3 is appropriate or whether the requirement to re-plaster the adjoining hotel is a planning enforcement matter and should not be included in this instance.
- 7.10. I am satisfied that it is appropriate to require the applicant to restore the plasterwork on the section of the building within the site as its removal would be detrimental to the ACA. Objective TIN18 requires the protection of the character of the ACA.

However, whilst I fully concur that the plasterwork should be restored on the adjoining building, I consider that the requirement to reinstate the plasterwork on the this building outside of the red site boundary is an enforcement matter for the Council.

7.11. As such, I consider that Condition No. 3 is unwarranted.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 for the reason set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Tinahely Town Plan 2016 – 2022, the established pattern of development in the area, the location of the site within the Tinahely Architectural Conservation Area and the nature, scale and design of the proposed development, it is considered that having regard to the criteria set out in Section 7.3 of the Development Management Guidelines for Planning Authorities 2007, it is considered that Condition No. 3 is not warranted.

Emer Doyle
Planning Inspector

13th August 2018