



An
Bord
Pleanála

Inspector's Report 302047-18

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| Development | Demolish dwelling and to construct a new dwelling in its place |
| Location | Chapel Hill, Timoleague, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 18232 |
| Applicant(s) | Ted & Brid O'Sullivan |
| Type of Application | Planning permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | First Party |
| Appellant(s) | Ted & Brid O'Sullivan |
| Observer(s) | None |
| Date of Site Inspection | 3 rd October 2018 |
| Inspector | Mary Kennelly |

1.0 Site Location and Description

- 1.1.** The site is located in the village of Timoleague, which is located to the south of Bandon and to the east of Clonakilty. It is situated in the centre of the village, just to the west of Main Street. The site is one of four terraced houses which front onto Chapel Hill and forms the site at the eastern end of the terrace. Chapel Hill slopes steeply down towards Main Street and the houses on the northern side step down with the gradient.
- 1.2.** The site comprises an existing 2-storey house which is double-fronted with a gable wall facing east. There is a small single-storey annex attached to the side gable and a vehicular entrance which has a solid timber gate fronting Chapel Hill. There is a private rear garden to the north. The floor area of the existing dwelling is given as 70 sq.m. The site area is given as 0.047ha.

2.0 Proposed Development

- 2.1.** It is proposed to demolish the existing house and to construct a new two-storey dwelling, (205m²), which would be fully serviced. The proposed structure would be greater in height, length and depth. It would extend across the area currently occupied by the single-storey annexe. The front elevation would be extended by approx. 2.6m, behind which the floor level would be increased. The eaves and ridge levels would also be raised by approx. 800mm. The footprint would be extended to the rear by approx. 3m.
- 2.2.** The design of the dwelling is similar in form to the existing structure, apart from the raised eaves and ridge level and the extended frontage. However, the rear section replaces a small single storey rear annexe with a large c.6m high annexe which extends 7m behind the rear building line. The ground floor element would match the smooth plaster of the front and side elevations, but the first floor (side and rear elevations) would comprise a metal cladding (standing seam zinc or similar).
- 2.3.** The proposed development would be connected to the public water supply and to the public sewer. There is no off-street parking proposed, but a vehicular gate is

shown on the submitted plans and, as such, a parking space could be provided within the 4.5m wide space behind the gate. The rear garden would have a slightly reduced area of c. 256m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason.

- It was noted that the proposal involved the demolition of a structure at Chapel Hill which is located within a designated Architectural Conservation Area and contributes to the character of the streetscape at this location.
- Reference was made to Objective HE 4-5 to conserve and enhance the character of such areas.
- Having regard to the existing character and the prevailing pattern of development, it is considered that the proposed development would seriously detract from the character and setting of the Architectural Conservation Area and of the streetscape generally.
- Thus, it would materially and adversely affect the character of the ACA, would contravene an objective of the Development Plan and would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report (12/06/18) noted that in pre-application discussions, the applicant had been advised by the Conservation Officer that as the building is a historic structure within the ACA, the policy of the P.A. is to protect buildings/structures considered to be intrinsic elements to the special character of the ACA. It was, therefore, advised that the services of a Conservation Architect be employed who would be able to provide advice on dealing with issues such as moisture and dampness, which were considered to be common problems in historic

buildings, rather than demolition. The applicants had considered, however, that there was no merit in retaining the existing dwelling, which is in poor condition, and that the dampness issues could not be solved by traditional methods due to the steeply sloping gradient, which means that a damp proof course could not be inserted, as the road level is higher than the floor level.

The Area Planner referred to the report of the Conservation Officer, who considered that the building is much older than had been indicated by the applicant's engineer. It was pointed out that the Technical Guidance Documents referred to by the engineer relate to modern rather than historic buildings and that the lack of a cavity in the rubble stone front wall was not a 'defect' but a method of construction. It was considered that insufficient justification had been presented for demolition of the building as there was no analysis of what was causing the dampness issues relating to the front wall or the chimney. It was further considered that there had been no assessment of the impact of the proposal on the location of the building within a terrace or on the streetscape. The proposed rear elevation was considered to be bland and utilitarian and is insensitive in its response to the location. It was considered that

“the new building lacked the understanding of historical proportions and the finesse of detailing exhibited in historic buildings. This is evident in the bulky eaves, the fenestration pattern and the lack of proper detailing in terms of material specifications”.

Refusal was recommended by the Conservation Officer and by the Area Planner, and this was supported by the Senior Executive Planner, generally in accordance with the decision of the planning authority.

3.2.2. Other Technical Reports

Area Engineer's Report – (08/06/18) - It was noted that parking is on the street and that there is no intention to provide off-street parking. However, it was considered that it would be possible to provide some parking at the side of the property.

It was noted that water would be supplied from the public system and that sewerage would be discharged to the public sewer. It was further noted that the site is not within a flood risk area and that surface water would be discharged to existing systems.

3.3. Prescribed Bodies

Irish Water (08/06/18) – no objection subject to recommended conditions.

4.0 Planning History

No relevant planning history.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines 2011

These guidelines provide advice on development within Architectural Conservation Areas including advice on demolition, new development, use of expert conservation advice and works in connection with damp-proofing and works to walls and roofs.

5.2. Cork County Development Plan 2017-2023

Site is located in an Architectural Conservation Area in Timoleague Village. Relevant policies include:

Obj. HE 4-5 – Conserve and enhance the special character of ACAs. The ‘Special Character’ of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting.

Obj. TO 2-1 – Protection of Natural, built and Cultural Heritage – protect and conserve those natural, built and cultural heritage features that form the resources on which the country’s tourist industry is based. These features will include areas of important landscape, coastal scenery, areas of important wildlife interest, historic buildings and structures.....and the traditional form and appearance of many built up areas.

5.3. West Cork Municipal District Local Area Plan 2017

Site is located in a Timoleague, which is a Key Village in West Cork Municipal District Local Area Plan.

DB-02 – Frontage development within the core of the village shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate developments should be in the form of terraced development/courtyard schemes.

5.4. Natural Heritage Designations

Courtmacsharry Bay SAC (004219) – lies approx. 150m to the southeast.

Courtmacsharry Estuary SPA (001230) – lies approx. 150m to the southeast.

Seven Heads SPA (004191) lies approx. 6km to the south.

Clonakilty Bay SPA (004081) lies approx. 6km to the southwest.

Clonakilty Bay SAC (000091) – lies approx. 6km to the southwest.

Galley Head to Duneen Point SPA (004190) lies approx. 12km to the southwest.

Kilkeran Lake and Castlefreke Dunes SAC (001061) lies approx. 15km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal was submitted by Gordon Warner M.C.D. Planning Consultant. The submission includes a letter from the applicant.

The main points raised may be summarised as follows:

- **Sources of dampness** – the Conservation Officer’s view that the consulting engineer does not understand “how this building works, or historic buildings generally” is refuted. The dampness problem is very obvious and it is not necessary to carry out an expensive scientific analysis to prove it. The Council’s engineer also agreed that the house would need a replacement wall to resolve the issue of dampness.
- **Overcoming dampness** – it is disputed that any remedial solutions can be employed to address the problems of dampness and water ingress. The building has been inspected by several builders and structural engineers and it

was agreed by all that the only solution would be demolition and reconstruction. It is submitted that the problem of rising dampness in the front wall is due to the floor level being considerably lower than the level of the public road and the fact that there is no damp-proof membrane in the walls. There is also dampness in the ceiling areas due to problems with roof flashings. Various solutions have been explored such as injecting a dpc, but these have been rejected.

- **Integration of newbuild with streetscape** – the elevation differs only slightly from the original as the fenestration pattern matches the existing pattern of the subject building and the adjoining buildings. It is stated that Drawing 001 provides a contiguous elevation. The term “bulky eaves” is queried as it is designed as a standard element in accordance with building regulations and is no bulkier than existing eaves on the street. It is submitted that the window proportions, additional eaves height and extra length of the frontage do not deviate significantly from the historic proportions of the original dwelling.
- **Quality of rear extension** – The C.O.’s criticism of the extension being bland and utilitarian is refuted. It was designed using flat roofs to ensure that no part of the extension would be easily visible from the public road. The Area Planner did not have any concerns about it at the pre-planning meeting.
- **Health and safety** – the applicants are very concerned about the health aspects of living in such a damp dwelling. The applicant suffers from respiratory problems which he considers are related to the dampness issue. If they are unable to resolve the dampness issues, it will be necessary to move out and the building is in danger of becoming derelict.
- **Alternatives** – it is stated that had the P.A. contacted him, he would have been prepared to consider amendments to the proposed design. If the building is to become derelict, the impact on the ACA would be considerably worse than the proposed development.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 1st August 2018. The Area Planner made the following comments:

- The applicant's agent was given clear advice at pre-planning stage in relation to the issues. The applicants were also previously given advice by a different agent under a different pre-planning meeting PPW 16/89 which indicated that "demolition would not be considered favourable – the most appropriate approach would be to extend the dwelling sympathetically.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Principle of demolition and redevelopment of site
- Appropriateness of scale and design of new dwelling

7.2. Principle of demolition and redevelopment of site

7.2.1. The applicant is adamant that the causes of dampness relate to the fact that the internal floor level is below the street level, that there is no cavity in the front wall and that there is no damp-proof course. A Structural Engineer's Report was submitted with the application which states that the cause of dampness is moisture at the external ground level seeping through the wall. It was stated that the only solution would be to demolish the front wall, construct a new cavity block wall with all necessary membranes and waterproof tanking to the outside leaf. It was submitted that it would not be practical or feasible to raise the internal floor level above the outside ground level or to construct an internal cavity wall as this would significantly reduce the living space available. It is further suggested that a significant amount of water ingress is noted from the common chimney, that the flashings are very poor and that cracking on the chimney has been noted.

7.2.2. The P.A., however, is equally adamant that demolition is not justified and that the retention of the existing house and its refurbishment and extension would be a more appropriate solution. The Conservation Officer (pre-planning advice of 19/12/17) considers that dampness is "a cause and effect situation. Dampness being the effect, the cause of which can be a number of things." It is suggested that possible causes could be

“due to cement render being applied to the exterior and/or interior of a masonry wall which traps the moisture within the structure. This is generally exacerbated by the application of impervious internal lining systems, usually applied as a response to the original damp problem created by the application of cement render. Poor ground drainage is another common issue. The use of chemical injection or electro-osmosis would not normally solve a damp problem but are generally applied to prevent a re-occurrence or as a secondary defence.....after the primary cause has been identified and eliminated.”

7.2.3. The advice given by the P.A. is generally consistent with the advice contained in the Architectural Heritage Protection Guidelines 2011. These state that the onus is on the applicant to make a case for demolition (3.10.2) and that expert conservation advice should be used (7.5). In terms of damp-proofing (8.2.7-8.2.11), it is stated that there may be other solutions to the issue which should first be considered, that the fabric of older buildings was usually designed to allow absorption of moisture from the ground and its subsequent evaporation from the surface, and that reversing later inappropriate alterations may be sufficient to alleviate the problems of damp.

7.2.4. The site is located in an Architectural Conservation Area, where the policy is clearly set out in the Cork County Development Plan 2014. Objective HE 4-5 seeks to conserve and enhance the special character of the ACA by means of a number of measures, some of which can be summarised as follows:

- (a) Protecting all buildings.....considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive re-use and rehabilitation of buildings within the ACA.
- (c) Ensure that new development respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Promoting high quality architectural design within the ACA.
- (h) Protect structures from demolition, non-sympathetic alterations and securing of appropriate in-fill developments.

'Special character' is described in 12.4.16 as "generally stemming from its collection of buildings and their setting as a whole rather than the presence of individual buildings in isolation".

7.2.5. The site is located in a prominent location in the streetscape, occupying the end of terrace position at the bottom of the gradient, with the adjoining terrace stepping up the hill behind it. It is also the largest of the four dwellings in the terrace, as the one at the other end of the terrace is single storey with just two windows on the front elevation. The houses become gradually larger as they progress down the slope. It is considered that the existing dwelling makes a significant and positive contribution to the streetscape and is an integral part of the ACA. Thus, its demolition should be the last resort.

7.2.6. I would agree with the P.A. that the case for demolition is not very strong as there are a number of possible causes for the dampness. The fact that the front wall is constructed of random rubble without a cavity or damp-proof course is not sufficient justification for demolition of the structure. It is noted that a render has been applied to the exterior walls and that uPVC windows have been fitted in the past. It is considered that a report by a Conservation Architect would be likely to ascertain the cause of the dampness and propose a remedial solution. In the absence of such evidence, it is difficult to accept that demolition is the only solution. The loss of the building in itself, together with its replacement with a much larger structure with more modern proportions and profiles would be contrary to Objective HE 4-5 of the CDP in that it would not protect the building from demolition and would fail to ensure the conservation and enhancement of the special character of the ACA.

7.3. Appropriateness of scale and design of new dwelling

7.3.1. The design and scale of the proposed development differs from the original dwelling in a number of ways. Firstly, the front elevation is extended southwards at the full two-storeys, but rather than stepping down the hill, the existing FFL is continued internally, which means that the height at the southern end is increased from c. 4.5m to 5.5m. In addition, the eaves height and ridge height are increased by at least 600mm. At present, the front elevation of the original building is double-fronted and ranges in height from c. 4m to c.4.5m. The elevation of the remainder of the terrace is similar and the eaves line and ridge line are approx. a metre lower than those of

the adjoining house. The proposed row of first floor windows would be at roughly the same height as the windows on the adjoining house, whereas at present, the top of the openings are roughly level with the window cills of the adjoining house. It is considered that the combination of the extended width and height of the elevation, with additional windows, together with the alteration of the eaves and ridge line heights has the effect of distorting the rhythm of the terrace. The proposed house at the end of the terrace would appear out of scale with the established scale of the remainder of the terrace.

- 7.3.2.** When the proposed building is viewed from the approach uphill from Main Street, the change in scale is considered to be even more pronounced. The existing dwelling occupies a prominent position at the end of the terrace. At present, there are two gable walls with chimneys stacked one against the other which adds to the architectural interest of the street and is clearly indicative of the scale of the buildings that form the terrace. The existing house has a small single-storey rear extension, which is barely visible from outside the site, and which would be replaced by a large 2-storey extension. The proposed extension would project approx. 7m to the rear at a height of between 6m and 5.5m, and would extend across the whole of the rear of the building. Given that the existing gable wall is only 5m in width, the scale of the rear extension would seem disproportionately large and somewhat incongruous. It would also more-or-less eliminate the view of the 'stacked' gables when viewed from the east. It is considered that it would result in a structure which is excessive in scale, height and bulk and would fail to respect the established character of the Architectural Conservation Area.
- 7.3.3.** The design of the rear return, which incorporates a mono-pitched roof with a very shallow pitch (almost flat), which projects from the middle of the rear slope of the main roof, would further highlight the excessive scale of both the replacement building and of the rear return. The proposed use of metal cladding on the first floor of the return would also result in an unsympathetic addition to the terrace when viewed from the side or the rear.
- 7.3.4.** The Architectural Heritage Protection Guidelines state that proposals to alter the shape of the roof will have a potential impact on the character of the structure and its surroundings. It is further stated that the design of the new roof should be sympathetic to the character and special interest of the building and should not

detract from its overall appearance. Objective 4-5 of the CDP requires that new development respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes of the ACA.

7.3.5. In light of the foregoing, it is considered that the proposed development fails to respect the established character and special interest of the terrace and of the ACA, in terms of the excessive scale and unsympathetic design of the replacement building and its impact on the setting and material finishes of the ACA.

7.3.6. I would agree with the P.A., therefore, that the proposed development should be refused on these grounds.

7.4. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. Appropriate Assessment

The closest European sites are Courtmacsharry Bay SAC (004219), and Courtmacsharry Estuary SPA (001230) which lie approx. 150m to the east. Given the distances involved, that the site is located in an established area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the nature and character of the existing dwelling which occupies a prominent position at the end of a terrace, which makes a positive contribution and forms an intrinsic element of a designated Architectural Conservation Area, it is considered that the proposal to demolish the original

dwelling and to replace it with a substantially larger dwelling house would fail to protect the character of the Architectural Conservation Area and would result in an insensitive and inappropriate development by reason of its excessive scale, height and bulk, the monopitched roof profile and use of metal cladding on the rear return. The proposed development would, therefore, materially and adversely detract from the character of the streetscape and of the Architectural Conservation Area and would contravene Objective HE 4-5 of the current Cork County Development Plan 2014. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

30th November 2018