



An  
Bord  
Pleanála

## Inspector's Report ABP-303243-18

---

<b>Development</b>	Raised patio area and timber panel fence to side and rear of house
<b>Location</b>	Aisling House, No.1 The Crescent, St. Oran's Road, Buncrana, County Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	18/51532
<b>Applicant(s)</b>	Paddy Murphy & Patricia Barnett
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Paddy Murphy & Patricia Barnett
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> April 2019
<b>Inspector</b>	Colm McLoughlin

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third-Party Submission .....	5
4.0 Planning History.....	5
5.0 Policy & Context .....	6
5.1. Donegal County Development Plan 2018-2024 .....	6
5.2. National Guidelines .....	6
5.3. Environmental Impact Assessment - Preliminary Examination .....	7
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Planning Authority Response .....	8
6.3. Observations .....	8
7.0 Assessment .....	8
7.1. Introduction .....	8
7.2. Impact on Architectural Heritage .....	8
8.0 Appropriate Assessment.....	11
9.0 Recommendation.....	11
10.0 Reasons and Considerations .....	11
11.0 Conditions .....	11

## 1.0 Site Location and Description

- 1.1. The appeal site is triangular in shape and is located on The Crescent, a private road, overlooking the Mill river and backing onto St. Oran's Road (R238 regional road), approximately 400m to the immediate southwest of Buncrana town centre. It contains a three-storey over basement end-of-terrace dual-fronted house, known as Aisling House, which is included in the National Inventory of Architectural Heritage (NIAH) and is stated to date from c. 1890 (NIAH Ref. 40815021). The house comprises features and finishes typical of the Victorian style, including box-bay windows to the front and side, terracotta roof tiles to the pitch roof, cast-iron rainwater goods, red-brick throughout and various ornate decorative elements.
- 1.2. A flat-roof single-storey extension has been constructed to the north side of the house, while the main car parking and amenity areas serving the house are located on the west side. A raised patio area has also been constructed to the west side of the house and a single-storey shed is located adjacent to this. The boundary with St. Oran's Road features a rubble stonewall, approximately 1m in height, supplemented by a dark-stained timber-clad fence, approximately 1m in height and fixed to the inside of the wall. A 1.9m-high replacement timber-panel gate has also been fitted to the northern end of this boundary.
- 1.3. The house on site is one of five houses along The Crescent and although each house differs in design and scale, the NIAH record notes that the terrace creates a composition of strong architectural character and is a highly unusual terrace of buildings, more typically found in the middle-class Victorian suburbs of Dublin.
- 1.4. The surrounding area is primarily characterised by low-density housing of various ages and an educational campus is located to the northwest of the site. A tree-lined right of way serving the site and The Crescent is available to the south off St. Oran's Road. Ground levels in the vicinity drop steadily in a southerly direction towards the Mill River.

## 2.0 Proposed Development

- 2.1.1. The proposed development for retention comprises the following:

- mounting of a dark-stained timber-clad fence, c. 1m in height, to a c.1m-high rubble-stonewall, for a c.15m stretch of the site boundary with St. Oran's Road and the installation of a replacement c.1.9m-high timber-clad pedestrian gate at the northern end of this boundary;
- landscape works, including an enclosed and raised patio area with planters, to the west side of the house.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a decision to refuse retention permission for the development for the following reason:

**Reason 1.** – development is contrary to Policy BH-P-08 and Objective BH-O-01 of the Development Plan due to the inappropriate and obtrusive appearance, as well as the incongruous design, character, materials and finishes relative to the architectural quality of the host dwelling, which is identified in the NIAH records and is in a prominent location approaching Buncrana.

### 3.2. Planning Authority Reports

- 3.2.1. Planning Report

The recommendation of the Planning Officer (November 2018) reflects the decision of the Planning Authority and noted the following:

- the creation of a private amenity space within this prominent site curtilage represents a disorderly and inappropriate form of development, which is detrimental to the setting of the property and the adjoining properties;
- the design and character of the timber-clad fence boundary treatment atop the existing stonewall, including construction methods and materials used, are not sympathetic to the host house.

### 3.2.2. Other Technical Reports

- Roads & Transportation - no objection.

### 3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht - no response.

### 3.4. Third-Party Submission

3.4.1. None received.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. The following planning applications relate to the appeal site:

- Donegal County Council (DCC) Ref. 15/50341 – permission refused in May 2015 for a single-storey outbuilding with adjoining pergola feature along the boundary to St. Oran’s Road, due to the inappropriate and intrusive siting of the development relative to the host house and as the development would breach the established building line and thereby militate against the creation of a quality public realm at a sensitive architectural location;
- DCC Ref. 05/90008 – permission granted in November 2005 for change of use of part of the house to a Chiropodist’s surgery and an extension to the house.

### 4.2. Surrounding Sites

4.2.1. Reflective of the urban context for the appeal site, there have been numerous planning applications on neighbouring properties, none of which are particularly pertinent to this appeal.

## 5.0 Policy & Context

### 5.1. Donegal County Development Plan 2018-2024

5.1.1. Statutory planning policies and objectives for Buncrana are contained within Part C of the Donegal County Development Plan 2018-2024. The appeal site has a land-use zoning 'established development', where it is a stated objective of the Plan 'to ensure the protection of the character and biodiversity of established areas and to allow for new development that is both appropriate and orderly in the context of the established area'. The house and boundary along St. Oran's Road is located within an Area of Special Townscape Character (ASTC), while the majority of the associated parking and amenity area for the house is omitted. The Plan includes policies specifically addressing the built heritage of Buncrana, including:

- Policy BC-BH-P-2 - to protect the character and integrity of the 'ASTC';
- Policy BC-BH-P-3 - to manage long-established residential areas, to ensure their townscape character, setting and design is protected.

5.1.2. The following policies and objectives from Section 7 (Built Heritage) and Section 9 (Tourism) of Parts A & B to the Development Plan are relevant to this appeal:

- Policy BH-P-6 – ensure measures to extend, modify or materially alter the fabric of vernacular and/or historical buildings is sensitively undertaken;
- Policy BH-P-8 – facilitate high-quality design for vernacular and/or historical buildings;
- Objective BH-O-01 - preserve, protect, enhance and record the architectural heritage of the County;
- Objective TOU-O-11 - protect and enhance the built and historical heritage of the county, including structures on the NIAH.

### 5.2. National Guidelines

5.2.1. The following guidelines are relevant to this appeal:

- Architectural Heritage Protection: Guidelines for Planning Authorities (2011).

### **5.3. Environmental Impact Assessment - Preliminary Examination**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- the Planning Authority's Conservation Officer did not comment on the application and does not appear to have been consulted with in this regard, while the Department of Culture, Heritage and the Gaeltacht did not respond to consultation. This is surprising given that the reason for refusal solely relates to built heritage matters;
- Aisling House is included within the ASTC, but the parking and amenity area serving the house has been omitted. Furthermore, the house is not a Protected Structure nor is it located within an Architectural Conservation Area (ACA). It is recognised that the house and the adjoining terrace is included in the NIAH;
- the recommendation of the Planning Authority is overly protective of the conservation context and fails to recognise the genuine and reasonable requirements of the appellants;
- the necessity for the development is as a direct result of the historical context for the house, which resulted in the only amenity area serving the house being located along St. Oran's Road, where views into this area were only partially restricted by virtue of the 1m-high rubble stonewall, thus impacting on the privacy of this space;

- the subject development merely attempts to provide a degree of privacy, shelter, solace and security for the appellants to enjoy their home and additional correspondence from the appellants is appended to the grounds of appeal explaining this further;
- the appellants have invested significantly in the house on site and the design chosen for the patio and boundary treatment, including materials, construction methods and landscaping, are appropriate and in keeping with the architectural integrity of the house on site, and, accordingly, do not conflict with planning policies.

## **6.2. Planning Authority Response**

6.2.1. None received.

## **6.3. Observations**

6.3.1. None received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the substantive issue arising from the grounds of appeal and in the assessment of the application and appeal, relates to the following:

- Impact on Architectural Heritage.

### **7.2. Impact on Architectural Heritage**

7.2.1. The Planning Authority's decision to refuse retention permission for the boundary treatment and raised patio area centres on the proposals being considered contrary to Policy BH-P-8 and Objective BH-O-1 of the Development Plan. Policy BH-P-8 requires development proposals impacting on vernacular and/or historical buildings to incorporate a high-quality design, while Objective BH-O-1 aims to preserve, protect, enhance and record the architectural heritage of the County. The grounds of appeal assert that the assessment of the development is overly onerous with respect



to conservation policies and objectives, and that there is a failure on behalf of the Planning Authority to recognise the appellants' needs to provide their home with private amenity space.

- 7.2.2. The Planning Authority's reason for refusal does not differentiate between the two primary elements of the proposed development for retention; the boundary treatment and the patio. The reason for refusal refers to the inappropriate and intrusive siting of the development to the side of the host house and in a prominent location at an entrance to Buncrana. In response to this, the grounds of appeal assert that the best location for the patio is as proposed for retention and that to address privacy and other concerns, the height of the boundary along St. Oran's Road needed to be raised. The reason for refusal also refers to the incongruous design, character, materials and finishes to the patio and boundary, which are considered not to be in keeping with the architectural heritage of the house on site and the immediate area. In response to this, the appellants note that the house on site is included in the NIAH, but that the materials, construction methods and landscaping are appropriate and in keeping with the house.
- 7.2.3. The subject Victorian-style house is not recorded as a protected structure in the Development Plan, but it is included in the NIAH (Ref. 40815021). The adjoining terrace of four houses are also included in the NIAH, as are the outbuildings to the rear. The site is not within an ACA, but the house and boundary along St. Oran's Road is located within an Area of Special Townscape Character (ASTC), as identified in Map 13.3 of the Development Plan. Policy BC-BH-P-2 of the Plan aims to protect the character and integrity of Buncrana ASTC.
- 7.2.4. The house on site features a flat-roof extension along the north side. It does not benefit from an expansive rear garden, but it does feature an extensive amenity and parking area to the west side. The parking and amenity area, including the patio area, do not appear to be within the ASTC. Views into this amenity and parking area are open from the private road accessing the site and The Crescent. A rubble stonewall marks the boundary of the site with St. Oran's Road, and this has been supplemented for a 15m stretch by the subject dark-stained timber-panel fence, which is stepped to address the transition in ground levels. The southern end of this stonewall boundary has been supplemented on the inside by a hedgerow. The subject patio area sits in between a single-storey shed structure and the host house.

There is a slight drop in ground levels from St. Oran's Road into the patio area. As a result of this, views of the patio area, including the raised walls and planters, are largely restricted from St. Oran's Road, particularly by the subject timber panel fence.

- 7.2.5. The subject house on site is dual fronted and it addresses the river valley and private road to the south, as well as the gardens to the west. The NIAH record for the house primarily focusses on the Victorian feature elements of the house and its context as part of a unified terrace of five houses. The raised patio area is situated largely to the side of the west façade to the house, partially fronting the more recently-constructed single-storey extension. The positioning of the patio to the side of the house does not significantly interfere with views of this southwest façade nor does this low-level landscape feature significantly impact on the setting of the house, including those views of the house from the southwest on St. Oran's Road. A smooth render is used to finish the raised planters to the patio area and this complements smooth render bands to the host house.
- 7.2.6. The stonewall boundary along St. Oran's Road is of architectural heritage merit, which is reflected in this boundary being included within the ASTC. However, the inclusion of the stonewall within this special heritage area does not preclude sensitive modifications to the boundary, including those required to address the modern needs of the subject residence. I am satisfied that the height and design of the revised boundary, including the use of a light-weight timber for contrast in increasing the height of the boundary is appropriate, particularly given that the rubble stonewall defining this boundary remains distinctive and legible along St. Oran's Road and the ASTC, while offering a degree of privacy and security for the residents. Furthermore, the cumulative effect of the boundary treatment does not affect the special architectural status of the streetscape, particularly when considering the variety in height, styles and ages of boundary treatments along St. Oran's Road within the ASTC.
- 7.2.7. In conclusion, I am satisfied that the setting and character of the existing house on site and the adjoining houses along The Crescent, included within the NIAH, is not compromised by the boundary treatment and the introduction of the raised patio area. Furthermore, I am satisfied that the development cannot be considered to conflict with Objective BH-O-1 and Policies BH-P-8 and BC-BH-P-2 of the

Development Plan. Accordingly, retention permission should not be withheld for reasons relating to the impact of the development on architectural heritage.

## **8.0 Appropriate Assessment**

**8.1.** Having regard to the minor nature of the proposed development for retention and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

**9.1.** I recommend that retention permission is granted in accordance with the following reasons and considerations, subject to the condition, as set out below.

## **10.0 Reasons and Considerations**

**10.1.** Having regard to the nature, appearance, scale and positioning of the proposed development for retention, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the condition below, the proposed development for retention would not compromise the character and setting of the house on site and the adjoining houses, which are included within the National Inventory of Architectural Heritage, would be acceptable in terms of impact along the streetscape and would not be contrary to the provisions of the Donegal County Development Plan 2018-2024, including Objective BH-O-1 and Policies BH-P-8 and BC-BH-P-2, which aim to protect the quality of built heritage in the County. The proposed development for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

---

Colm McLoughlin  
Planning Inspector

16<sup>th</sup> April 2019