



An
Bord
Pleanála

Inspector's Report

ABP-304119-19

Development

Demolition of an existing derelict dwelling 'Curragower House' and the construction of 1 no. house and 3 no. apartments over 1 no. café unit and all associated site works

Location

Curragower House, Clancy's Strand, Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

18/752

Applicant(s)

Derry Corbett

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant(s)

An Taisce Limerick

Gerard Wall

Observer(s)

Anne Kavanagh

Luke Curley

Brian Leddin

Irish Georgian Society

Gearóid Mahon

Brigid Henihan

Grainne O'Kelly

Fiona Oliver

Nick Boston

Date of Site Inspection

21st June 2019

Inspector

Elaine Power

NOTE: This addendum should be read in conjunction with my original report on file dated 4th October 2017, also the Inspector's report of PL93.248547 relating to an adjacent site.

1.0 Section 131 Notice

- 1.1. Section 131 of the Planning and Development Act 2000 (as amended) states that where the Board is of an opinion that, in the particular circumstances of an appeal, it is appropriate, in the interest of justice to request any person who has made submissions or observations to the Board in relation to the appeal to make submissions or observations in relation to any matter which has arisen in relation to the appeal.
- 1.2. In response to the third party appeal by Gerard Wall, the applicant modified the scheme to create a single building, relocated away from 'Jackson's Turret' (protected structure) which is in the ownership of the appellant. The revised design does not result in any alterations to the apartments or the café, however, it does result in alterations to the layout of the house and the location of car parking spaces, bin storage and general storage units. The proposed vehicular access from Clancy's Strand has also been relocated. Revised drawings were submitted with the response.
- 1.3. The Board issued a notice under section 131 on 1st August 2019 stating that the applicants submission and drawings should be circulated to all parties of the appeal for comment.

2.0 Responses to Section 131 Notice issued on the 1st August 2019

- 2.1. Responses were received from (1) Gerard Wall of 'Jackson's Turret' (protected structure) located to the north of the appeal site and (2) An Taisce Limerick.
- 2.2. ***Gerard Walls Response (30th August 2019)***
 - It is considered that insufficient information was submitted by the applicant regarding the revised layout and design of the modified scheme. The drawings submitted are vague and no northern elevation of the scheme was provided. Therefore, it is not possible to comment on the potential negative impacts on the adjoining properties, in particular on Jackson's Turret' (protected structure) which is located to the north of the appeal site.
 - Notwithstanding the relocation of the revised scheme, which is relocated a minimum of approx. 6.6m away from the protected structure, it is considered

that an adequate separation distance has not been provided to prevent adverse impacts on the dwelling in terms of overlooking, overshadowing and overbearing impact. The development should be a minimum of 12-15m away from the protected structure. The response included a revised day light and sunlight analysis by BRE, included in Appendix A of his response. The report indicates that due to the scale and design of the proposed development and to the proposed separation distances that it would result in undue overshadowing of the adjoining property.

- The revised building sits forward of the previously proposed scheme and continues the established building line of Curragower House. This new layout would negatively impact on existing views towards and from Jackson's Turret. The photomontage submitted with the response is inaccurate and misleading as it does not represent the floor plans.
- The northern boundary treatment comprises a wall with a hedge along the southern boundary of the protected structure. As the southern elevation of the protected structure forms the northern boundary of the subject site, it is not possible for this hedge to be maintained. The proposed height of the wall is also unclear. The appellant is concerned that the proposed boundary treatment could have a negative impact on existing residential amenities in terms of access to daylight and sunlight.
- The revised scheme also relocates the proposed car parking along the northern boundary. This could potentially have a negative impact on the visual amenities of the existing residential property.
- It is noted that the Board previously refused permission (PL30.213444) for the demolition of Curragower House and the redevelopment of the site. In this instance the proposed building was located 12m away from the protected structure. There is no material change between this previously refused scheme and the proposed development.

2.3. *An Taisce Limericks Response (2nd September 2019)*

The response by An Taisce Limerick raises similar concerns as the submission by Gerard Wall regarding the negative impact on Jackson's Turrets. Additional concerns raised in the submission are summarised below: -

- It is considered that the applicant has not fully responded to concerns raised by regarding the demolition of Curragower House. It is noted that there is a motion with Limerick City and County Council to list the building on the Record of Protected Structures. A copy of the motion is included with An Taisce's response.
- The site is located in a strategically important part of Limerick City. The proposed development is out of character with the historic streetscape and would have a negative visual impact. The proposed development would contravene the development plan and Architectural Heritage Protection Guidelines for Planning Authorities.
- The proposed development would result in undue overlooking of adjoining properties, including houses in Priory Park and Reidy Park.
- There is insufficient car parking on the public road to accommodate any overspill generated by the development and there are insufficient sightlines available. The vehicular movements generated by the development could result in a traffic hazard.
- There are concerns that the development could lead to the loss of a disabled car parking space and a bus stop located on Clancy Strand. It is also unclear how the commercial unit would be serviced by delivery vans as there is no service area provided on the site.
- It is considered that the proposed development is materially different to that submitted to the planning authority and a new application may be required.

2.4. The Board issued a notice under section 131 on 17th September 2019 stating that the response received from Gerard Wall on the 30th August 2019 and included a daylight and sunlight analysis should be circulated to the applicant, the planning authority and An Taisce, Limerick.

3.0 **Responses Section 131 Notice issued on the 17th September 2019**

3.1. ***An Taisce Limerick (13th and 14th October 2019)***

On the 13th October 2019 An Taisce Limerick submitted information regarding the passing of a motion by the planning authority to place Curragower House on the Register of Protected Structures at the council meeting on the 16th September 2019.

On the 15th October 2019 An Taisce Limerick submitted a further response. The response reiterates a number of concerns previously raised. Additional concerns raised are summarised below:-

- An Taisce Limerick supports the concerns raised in the submission by Gerard Wall regarding the negative impact on Jackson's Turret (protected structure) due to the close proximity, scale and design of the proposed development.
- The response ignores the impact on this historic area of Limerick. The loss of Curragower House would have a detrimental impact on this historic part of the city. Separate to the motion to place Curragower House on the register of protected structures a petition was signed by over 1,500 persons to objecting to the demolition of the building. This indicates the regard the building is held in by the public and its contribution to the visual and cultural amenity of its surroundings.
- The findings of the daylight and sunlight assessment are considered corrected and An Taisce Limerick supports the findings that the proposed development would negatively impact on the existing amenities of the protected structure.
- The proposed development is visually intrusive and completely out of character with the existing Georgian Curragower House and the streetscape.

3.2. Applicants Response (16th October 2019)

The applicant's response included a full set of revised drawings including plans, elevations and sections. 3D images have also been submitted to illustrate the relationship between the proposed development and the protected structure Jackson's Turret located to the north of the site. The response is summarised below: -

- The revised scheme has been located away from the protected structure. The development has been designed to ensure it does not result in overlooking of the adjoining property. All windows on the northern elevation are arranged to ensure they face eastwards and the terraces have louvers to screen views toward Jacksons Turret.
- The development was designed to ensure it did not obscure views from the adjoining property. The prominence of Jacksons Turret remains intact.

- It is not proposed to construct a wall along the northern boundary of the site. It is proposed to plant a hedge with a height of approx. 1.2m to provide a buffer between the sites. The landscaping approach would not injure the adjoining property or result in overshadowing.
- The BRE Guidance is noted as being purely advisory. The guidance states that good daylight is still achievable with a tall obstruction, provided it is not continuous and is narrow enough to allow adequate daylight around its sides. This scenario is relevant in this instance. It is considered that the proposed development is compliant with the guidelines.

3.3. The Board issued a notice under section 131 on 7th November 2019 stating that the submissions and drawings by the applicant and An Taisce Limerick should be circulated to all parties of the appeal for comment.

4.0 **Response to Section 131 Notice issued on the 7th November 2019**

4.1. **The Applicant's Response (10th December 2019)**

The applicant's response is summarised below: -

- There are a number of concerns regarding the motion to place Curragower House on the register of protected structures during a live planning application. There is a statutory requirement to notify the owner of the property of the intention to place the property on the RPS. This was not done and is a matter for the Planning Authority to comment on. The motion to place the structure on the RPS is not supported by appropriate consideration of the relevant criteria and is based on an opinion. Limerick City and County Council considered this area in detail when compiling the RPS. Curragower House was not included as it does not reach the criteria. The applicant engaged an architectural historian during the initial design stage. It was considered that the only features of interest were the stone plinth and associated railings along the eastern boundary. These features have been retained.
- Consideration was given to retaining Curragower House, however, having regard to the site's location in a flood zone and the existing finished floor level of the building, it would be difficult to adapt and impossible to finance.

- The applicant raises concerns regarding the validity of the online petition to retain Curragower House, submitted by An Taisce Limerick.
- It is possible to incorporate contemporary buildings beside historic buildings and this is the preferred option to pastiche design. The applicant makes reference to previous contemporary developments that they have designed. In this regard Milk Market and Healy Partners Offices at Glentworth Street, in Limerick city.
- Clancy Strand is not a Georgian street. It contains a mix of buildings dating from the 1700's to the present day with varying architectural styles. The proposed building would incorporate the existing brick on site and the design references Georgian proportions in the formation of windows. The building also uses limestone and zinc to ensure a high-quality finish with the overall scale being reflective of a Georgian building.
- The building has been designed to ensure no overlooking occurs.
- The building is fully compliant with building regulations.

4.2. An Taisce Limerick's Response (11th December 2019)

The response reiterates a number of concerns previously raised regarding the proposed development. The response is summarised below:-

- It is considered that the revised design and layout does not address the concerns raised by An Taisce regarding the demolition of Curragower House or the adverse impacts on the curtilage and ground of the adjoining protected structure.
- The shadow analyses submitted by the applicant, on the attached CD, is incorrect as the windows on the protected structure have not been shown correctly. There are additional windows which would be overshadowed by the development. Photographic evidence of the placement of the existing windows has been submitted with the appeal.
- The redesign of the development results in the car parking area being located along the northern portion of the site, adjacent to the protected structure. This requires the removal of a section of an existing stone wall and would negatively impact on the available sightlines. The relocated vehicular access / egress would result in a traffic hazard. Reference is made to the inspector's report for

the previous application on site which raised similar concerns regarding the access arrangements (PL30.227368).

- The inspectors report for PL30.227368 also raised concerns regarding the negative impact on entire curtilage of Jackson's Turret, which forms part of the protected structure. This concern has not been addressed in this current application.
- There are concerns regarding overlooking. It is unclear how the windows on the northern elevation are east facing.
- The proposed development would negatively impact on the existing residential amenities of Jacksons Turret by undue overshadowing, overlooking and loss of views. The development would also negatively impact on the existing residential amenities of existing properties in Reidy Park and Priory Park, located to the east of the site.
- Concerns are raised regarding the proposed northern boundary treatment and its impact on the adjoining property.

4.3. Gerard Wall's Response (11th December 2019)

The response reiterates a number of concerns previously raised and is summarised below:-

- The applicant is not opposed in principle to the redevelopment of the site and additional details submitted by the applicant are welcomed. However, concerns are raised that the revised scheme materially differs from that approved by the planning authority and third parties have not been offered the opportunity to provide written submissions.
- The revised development should be refused as it would result in overdevelopment of the site and would adversely impact on the appellants property due to the proximity of the development to the protected structure and the scale and design of the scheme.
- The applicant's response to the daylight and sunlight analysis submitted is misleading and erroneous. An updated sunlight and daylight analysis has been submitted. It found that the vertical sky component and daylight distribution for the kitchen and bedroom 1 would be below the standards set out in the guidelines. The development would result in an unacceptable level of overshadowing.

- The scheme contravenes the Development Plan, the Sustainable Residential Development Guidelines and the Urban Development and Building Heights Guidelines.
- The revised layout does not address the appellants concerns regarding a potential negative impact on his existing residential amenities. It is noted that the building is located a minimum of 6.6m from the protected structure. It is considered that the 4-storey building should be relocated a further 3.7m away (south) and the projecting features removed. It is considered that a minimum separation distance of 15m is required to ensure the proposed development would not overshadow the adjoining property. Figures included in the BRE report, attached to the submission, provide a visual representation of an acceptable siting of any scheme on site.
- Notwithstanding the negative impact on the existing residential amenities it is considered that the scale, design and proximity of the development would have a negative impact on the character and setting of the protected structure.
- The development would devalue property in the vicinity of the site.

4.4. The Board issued a notice under section 131 on 8th January 2020 stating that the submissions and report submitted by Gerard Wall should be circulated to the applicant, the planning authority and An Taisce, Limerick of the appeal for comment.

5.0 **Response to Section 131 Notice issued on the 8th January 2020**

A response was received from An Taisce, Limerick on the 29th January 2020 and is summarised below: -

- An Taisce Limerick supports the submission by Gerard Wall and considered that the proposed development is materially and fundamentally different from that originally submitted to the planning authority.
- It is noted that the submission by Gerard Wall is limited to concerns regarding the impact on Jackson's Turret. An Taisce Limerick agree with these concerns and raise additional concerns regarding the impact of the development on the historic area of Limerick. It is considered that the revised layout and design is visually prominent, intrusive and disruptive of the view for tourists and is completely out of character with the existing Georgian Curragower House

building and streetscape. The development material contravenes the Architectural Heritage Guidelines.

6.0 Additional Assessment

6.1. My previous report recommended that permission be refused for 2 no reasons, (1) the demolition of Curragower House failed to have due regard for the intrinsic historic character of Clancy's Strand and (2) the overall layout, and the scale, height and design of the proposed development would seriously detract from the character of the area and of the streetscape generally.

6.2. The issues which arise for further consideration relate to the detail of the revised scheme and are similar to those in my previous report on file.

6.3. *Revised Proposal*

6.3.1. On the 16th October 2019 the applicant submitted a full set of drawings and a 3D image of the revised scheme. The revised scheme comprises the demolition of Curragower House and the construction of a 4-storey building, comprising a café at ground floor level with 3 no. apartments above and an adjoining townhouse. The proposed development sits at the boundary with Strandville to the south. Due to the irregular shape of the site, the proposed development is located between 6.6m and 11.5m from the northern boundary with Jackson's Turret. The building is approx. 3.5m higher than the adjoining properties. It is noted the north eastern corner of the third-floor level has been set back to provide a terrace for the town house.

6.3.2. The layout of the café and apartments is similar to the original application. In this regard a ground floor café with 3 no. apartments above. The café has a gross floor area of approx. 85sqm and an outdoor terrace with a gross floor area of approx. 19sqm. It is proposed to provide 1 no. apartment per floor, with an identical layout. The 3 no. 2-bed apartments have a gross floor area of 90sqm. A 9sqm terrace is provided on the front (east) elevation of each apartment. Access to the apartments is provided to the rear (west) of the café unit

6.3.3. The proposed 3-storey townhouse adjoins the mixed-use building to the north. It has a gross floor area of 252sqm and is located above and under croft car parking area. Open space for the house is provided in the form of terraces, in this regard a 11.2sqm terrace on at first floor level and a 44sqm at third floor level on the front (east) elevation.

Access to the townhouse is proposed from the front (east) elevation via a separate pedestrian gate.

- 6.3.4. Concerns were raised that the proposed layout is materially different to that originally submitted to the planning authority and that the proposed development should be re-advertised.

6.4. ***Demolition of 'Curragower House'***

- 6.4.1. An Taisce Limerick raised concerns regarding the demolition of Curragower House and submitted details of a motion from Limerick City and County Council to add it to the record of protected structures. The motion was passed by councillors on the 16th September 2019. In response the applicant has stated that Limerick City and County Council did not inform him of the proposal to add the structure to the RPS and that the motion was not in accordance with the procedure for entering a structure onto the RPS as set out in the Planning and Development Act, 2000 (as amended). The Planning Authority have not provided any additional comments regarding the status of the building and there is no record of the proposal being on public display or on the RPS.
- 6.4.2. The applicant stated that the planning authority have previously considered this historic area of Limerick City in detail when compiling the RPS and a number of structures in the vicinity of the site are on the RPS, however, Curragower House has never been included as it does not reach the criteria set out in legislation. It is also noted that the applicant engaged an architectural historian as part of the design team during the initial phase of the scheme. It was considered that the only features of interest were the stone plinth and associated railings along the eastern boundary and these features have been retained.
- 6.4.3. The applicant has reiterated in his responses that consideration was given to retaining Curragower House, however, having regard to the site's location in a flood zone and the existing finished floor level of the building, it would be difficult to adapt and impossible to finance.
- 6.4.4. My previous report concluded that the having regard to Architectural Heritage Protection Guidelines for Planning Authorities and Policy BHA.11 of the current Development Plan, to support the re-use and refurbishment of structures of architectural merit, I would have serious concerns regarding the demolition of

‘Curragower House’. The information submitted has been fully assessed and it is still my view that the refurbishment and possible extension of the existing building, which is a prominent historic feature in the city, is both feasible and appropriate in this instance. It is recommended that permission be refused on this basis.

6.5. *Design Approach*

- 6.5.1. The building has a contemporary design approach, with large windows and a flat roof with a maximum height of approx. 13m. The proposed external materials include reclaimed brick from Curragower House and a seam cladding at third floor level. The proposed development retains the established front building line of Curragower House, which sits approx. 1.5m beyond the front building line of the adjoining property, ‘Strandville’ to the south. This building line is continued for the front elevation of the building, which is approx. 16m in width at ground and third floor level floor level and approx. 22m in width at first and second floor levels.
- 6.5.2. Concerns were raised in the responses to the revised design that the proposed development represents overdevelopment of the site and is out of character with the historic area.
- 6.5.3. Site coverage and plot ratio are tools to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. From the information submitted with the appeal it would appear that the development has a site coverage of approx. 41% and a plot ratio of approx. 0.7. Having regard to the nature of the development and the city centre location this is considered acceptable and would not result in overdevelopment of the site.
- 6.5.4. The Urban Development and Building Heights Guidelines allows for a greater mix of building heights and typologies which respond to their natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. The proposed building is 4-storeys with a maximum height of 13m. While I have no objection in principle to the proposed height, it is my opinion that the proposed design and layout of the development does not take account of the existing character of the area or have regard to the existing 2 no. residential properties adjoining the site to the north and south and therefore does not integrate well into the existing historic area.

6.5.5. The applicant has stated that the proposed building is an appropriate design solution at this location and would incorporate the existing brick on site and the design references Georgian proportions in the formation of windows.

6.5.6. While it is acknowledged that the proposed development does not result in overdevelopment of the site and incorporates existing historic materials, it is my opinion that due to the siting, height, bulk and scale of the building that it would have a negative impact on the visual amenities of this historic part of the city and would result in a building that is visually obtrusive. It is my opinion that the redevelopment of the site is appropriate. However, I consider that the revised design and layout does not fully address the refusal reason set out in my previous report.

6.6. ***Residential Amenity***

6.6.1. The revised design and siting of the development is located a minimum of approx. 6.6m from the northern boundary of the site, and the southern elevation of Jackson's Turret (protected structure). Concerns were raised regarding the negative impact of the proposed development on the existing residential amenities of the adjoining property, Jacksons Turret.

6.6.2. The proposed development is approx. 13m in height and located a minimum of 6.6m from the northern boundary of the site with Jacksons Turret. The appellant, Gerard Wall, submitted a daylight and sunlight analysis which indicated that the proposed development would result in an unacceptable level of overshadowing of his property, in particular the kitchen window and the window to bedroom 1 located on the southern elevation of the house. In response the applicant acknowledged that the proposed development would result in some overshadowing of the adjoining property, however, it was considered that having regard to design and layout of the proposed building, adequate daylight would still be achieved as it allows for daylight to travel around the sides of the building. The appellant, Gerard Wall, submitted an updated response to the applicant's report. It is acknowledged that the loss of sunlight would be in accordance with the acceptable standards set out in the BRE guidelines. However, the report found that both the kitchen and the bedroom would be below the vertical sky component, as set out in the Guidelines. To prevent an adverse impact on the existing residential amenities it is recommended that the proposed development, which is approx. 13m in height, be relocated a minimum of 15m from the northern boundary of the site.

- 6.6.3. It is noted that the BRE guidelines are advisory and not statutory, however, having regard to the evidence submitted, it is my opinion that due to the proximity and height of the proposed development it would result in undue overshadowing of the neighbouring property, which is a protected structure. It is recommended that permission be refused on this basis.
- 6.6.4. With regard to concerns raised regarding overlooking it is noted that the windows on the northern elevation of the townhouse have been provided at an angle and face east. It is noted that louvres are also provided on the northern elevation of the third-floor terrace. It is my view that the design and layout would not result in any undue overlooking of Jackson's Turret from the townhouse.
- 6.6.5. It is noted that there is a window on the southern elevation of the townhouse at third floor level, approx. 7.5m from the boundary with Strandville. I would have concerns that this window would result in undue overlooking of the rear amenity space, associated with Strandville and that if permission is being contemplated that this window be omitted.
- 6.6.6. The northern boundary of the site is formed by the southern elevation of Jackson's Turret. The applicant has stated that a hedge with a height of approx. 1.2m would be provided approx. 0.7m from the northern boundary. In my view, this is an appropriate boundary treatment.

6.7. **Traffic**

As noted in my previous report the revised layout resulted in the vehicular access being relocated approx. 5m north, approx. 8m from the northern boundary. No sightline drawings have been submitted for the revised layout. However, in my view, having regard to the limited number (4 no.) of car parking spaces available, the city centre location and traffic calming measures on the public road, it is considered that the proposed development would not result in a traffic hazard.

7.0 **Recommendation**

Having regard to the above assessment, I recommend that planning permission be refused, for the reasons and considerations as set out below.

8.0 Reasons and Considerations

1. It is considered that the demolition of an existing historic dwelling 'Curragower House', which contributes to the architectural character of the area, would fail to have due regard for the intrinsic historic character of Clancy's Strand. The proposed development would be contrary to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities, which promotes the rehabilitation of historic buildings in preference to their replacement and to Policy BHA.11 of the current Limerick City and County Development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the established built form and historic character of the area and the prominent location of the site, it is considered that, by reason of the siting, scale and bulk, the proposed development would be incongruous in terms of its design and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining property, Jacksons Turret (protected structure) by reason of overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Elaine Power

Planning Inspector

6th May 2020