



An
Bord
Pleanála

Inspector's Report

ABP-305146-19

Development

The change of use and alterations of existing manor house (protected structure) and outbuildings to apartments partial demolition of annex to form vehicular arch entrance way, demolition of shed to form 9 on site car parking spaces and all associated site development works all within the curtilage of the existing manor house (protected structure).

Location

NO 41, JKL STREET, EDENDERRY,
CO OFFALY

Planning Authority

Offaly County Council

Planning Authority Reg. Ref.

19245

Applicants

David & Colette Staunton

Type of Application

Permission.

Planning Authority Decision

Refuse

Type of Appeal

First Party v Refusal

Appellants

David & Colette Staunton

Date of Site Inspection

5th, December 2019

Inspector

Paddy Keogh

1.0 Site Location and Description

- 1.1.1. The site of the proposed development which has a stated area of 0.1030 is located on the southern side of JKL Street (No. 41) Edenderry, Co. Offaly. The site is currently vacant. The site contains a three-storey dwelling (the Manor House, a Protected Structure) together with outbuildings and annex buildings to the rear.
- 1.1.2. No. 41 JKL Street is a mid-terrace period dwelling. The adjoining building to the east is a two-storey dwelling in residential use and the adjoining building to the west is a two-storey building in retail use at ground floor level and residential use at first floor level. The terrace immediately adjoins the footpath along the southern side of JKL Street. The southern side of the carriageway in front of the site is defined by double yellow lines. Levels along JKL street (to the front of the site) fall gently in a westerly direction.
- 1.1.3. The site is located almost opposite O'Connell Square, an attractive town square containing a surface public car parking area.
- 1.1.4. The existing building fronting onto No. 41 JKL Street incorporates an arched entrance at its western end. This archway (defined by solid wooden gates) is wide enough to facilitate vehicular entrance through the building to the rear of the property.
- 1.1.5. The rear (southern) portion of the site contains a series of outbuildings located around the perimeter of the site. This portion of the site is overgrown.
- 1.1.6. The southern boundary of the site is defined by a high wall containing a wide opening connecting to the adjoining lands to the south. These lands (zoned residential) originally formed part of the rear garden of No. 41.

2.0 Proposed Development

The proposed development involves alterations to an existing three storey house (the Manor House - a Protected Structure) and change of use of building and outbuildings to provide a total of 7 apartments. The proposed development includes:

- Change of use of the existing Manor House to provide 4 no apartment (2 no. 1 bedroom apartments at ground floor and part basement level),

- Change of use of existing 2 storey annex building (annex 1) to 2 no. 2 bedroom apartments,
- Change of use of existing single storey storage building (annex 3) to 1 no. 1 bedroom apartment,
- Demolition of existing lean-to roof extension to the rear of the Manor House and the erection of tiered flat roof balconies and increase in the height of the existing rear flat roof extension,
- Partial demolition of (annex 7) to form an arched vehicle entrance,
- Re-use of existing outbuildings (annex 2 and annex 4) for use as secure outdoor storage units,
- Demolition of existing steel storage shed (annex 6),
- Removal of existing roof on outbuilding (annex 5) to form 9 on-site car parking spaces.
- All associated works.

2.1.1. An Architectural Heritage Impact Assessment (prepared by John Cronin & Associates) accompanied the application lodged with the planning authority.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of a decision to refuse planning permission for the proposed development for three reasons was issued by the planning authority per Order dated 19th, July 2019. Briefly, the reasons for refusal were as follows:

- (i) Development would involve the destruction of significant elements of architectural importance of a Protected Structure (material contravention of the Development Plan cited).
- (ii) Inadequate car parking provision to serve the proposed development.
- (iii) Traffic hazard - traffic turning movements at the proposed entrance would interfere with the free-flow of traffic on the adjoining public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. A report from the planning authority Senior Executive Planner dated 18th, July 2019 includes:

- The site of the proposed development is zoned 'Town Centre/Mixed Use'.
- Various policies of the Offaly County Development Plan 2014 - 2020 noted.
- Various policies of the Edenderry Local Area Plan 2017 noted.
- 2 car parking spaces per unit (14 in total) are required per site development standards as set out in Table 8.2 of the Development Plan. Only 9 spaces are proposed. Thus, the proposed development is seriously deficient in terms of car parking provision,
- The comments of the Area (Municipal) Engineer which are unfavourable to the development are noted. Based on this report it is recommended that planning permission for the proposed development should be refused.
- The proposal (although providing for a slight reduction in the number of apartment units being proposed) is similar to the proposal in respect of which planning permission was previously refused by the planning authority under Reg. Ref. PL2 17/67.
- The comments of the planning authority Conservation Officer in her report dated 20th, June 2019 are noted with approval. It is considered that the proposed subdivision of the existing house and other works on site will have negative impacts on the architectural heritage of the structures on site.

The recommendation of the Senior Executive Planner is reflected in the planning authority notification of decision to refuse planning permission.

3.2.3. Other Technical Reports

- **Water Services & Environment** - Report dated 28th June 2019 recommends that the applicant be requested to submit a number of items of further information viz. (i) watermain layout showing the existing public watermain and

the proposed watermains within the development laid out in the public area opposite each apartment, (ii) details of foul drainage layout showing connection to the exiting public foul sewer etc., (iii) reconfiguration of existing roof drainage systems to divert water away from the foul sewers and into the surface water drainage system.

- **Roads & Infrastructure** – Report dated 10th, July 2019 indicates that Road Design section is satisfied with the proposed development.
- **Edenderry Municipal District Engineer** – Report dated 17th, July 2019 states that there are significant concerns about the safe access and egress of vehicles through the archway onto JKL Street. It is stated that JKL Street is a Regional Road (R402) forming the major thoroughfare through Edenderry Town, a linear town. The proposed development would suggest that there will be a significant increase in movements through the entrance. These movements will cause periodic and potentially significant delays to traffic moving through the town as vehicles await the opportunity to turn right into the development.
- **Conservation Report** – A report from the planning authority Senior Executive Architect dated 20th, June 2019 notes that the proposed development relates to a a terraced, four-bay three storey townhouse, built c. 1760. The report states that the townhouse, with a simple and symmetrical design makes a positive contribution to the streetscape. Despite the loss of its original sash windows the house has a strong presence within the street. The substantial three storey house with a small basement would have housed a family with servant's quarters on the upper floors. The rear yard complete with cobbles and stone gullies was formed with finely constructed stone outbuildings.

There current proposal involves a small reduction in the total number of units being proposed compared to the development in respect of which planning permission was previously refused by the planning authority (Reg. Ref. 17/67) on the site. Nonetheless, it is considered that the proposed works would have a seriously detrimental effect on the structure of the building.

The report from the Senior Executive Architect quotes extensively from the report of the Department Architectural Advisor (OF17-67) in respect of Reg. Ref. 17/67. This report included a schedule of observations in relation to details

of the development proposed under Reg. Ref. 17/67 both in relation to the main house and in relation to external outbuildings etc. The report noted (in relation to the previous proposal) that *‘there are many seemingly small considerations, which when combined will have a detrimental effect on the character of the structure’*. The report also stated that *‘The planning authority should satisfy itself of the sustainability of the principle of subdivision in terms of impact on character of the fabric and quality of development, including the implications for eventual reunification of the property’* and *‘perhaps consideration should be given to subdividing the main house into two generous apartments, making them more attractive and less detrimental to the historic structure’*. The Department Architectural Advisor report (OF17-67) concluded by recommending a number of modifications to the development in the interest of good conservation practice.

3.3. Prescribed Bodies

- **Irish Water** – Report dated 1st, July 2019 recommends that the applicant be requested to submit a number of items of further information viz. details of design of any new water and wastewater infrastructure; details of connection agreement to be signed with Irish Water etc.
- **Dept. of Culture, Heritage and the Gaeltacht** – Report dated 28th, June 2019 indicates no objection to the proposed development subject to conditions. The report states that the proposed development relates to a large-scale dwelling of readily apparent architectural heritage importance with a fine yard of outbuildings to the rear. The Department welcomes the proposal to reinstate the building after many years of neglect and damage.

4.0 Planning History

- 4.1.1. Reg. Ref. 17/67 – Planning permission for development at the Manor House (a Protected Structure) O’Connell Square, Edenderry consisting of the change of use of the main house to five apartments, alterations to elevations and change of use of existing storage barns and labourer’s quarters to 1 no. one-bedroom apartment and 1

no. 2 bedroom apartment etc. was refused by the planning authority to David & Colette Staunton.

- 4.1.2. Briefly, the reasons for refusal were: (i) failure to meet minimum design standards for apartment developments as set out in the Development Plan and in the *Guidelines for Planning Authorities on Sustainable Urban Design Standards (2015)* (ii) the proposed development involves the demolition of buildings within the curtilage of a designated Protected Structure – material contravention of the Development Plan, (iii) Failure to provide a ‘schedule’ detailing site development standard requirements in accordance with the requirements of Section 5.0 of the *Guidelines for Planning Authorities on Sustainable Urban Design Standards (2015)*
- 4.1.3. Reg. Ref.99/926 – Planning permission for a development consisting of an office development, rear extension, car parking spaces and demolition and renovation of outbuildings at No. 41 Market Square, Edenderry was granted by the planning authority, subject to 10 conditions, per Order dated 7th, September 2000.

5.0 Policy Context

5.1. Offaly Development Plan 2014 – 2020 (*‘the Development Plan’*)

- 5.1.1. Table 8.2 of the Development Plan sets out car parking standards in relation to various classes of development. Table 8.2 stipulates a requirement of 2 spaces per unit for houses and apartments.
- 5.1.2. The site and building are listed on the Record of Protected Structures included in the Development Plan (Record No. 17-20 refers). It is described as a ‘Terraced, four-bay, three storey house built c. 1760 with integral carriage arch and return and extension to the rear...’.
- 5.1.3. Policy AAHO-02 states:

It is an objective of the Council to protect all structures listed in the Record of Protected Structures, that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest throughout the county.

5.2. **Edenderry Local Area Plan 2017 – 2023** (*'the LAP'*)

5.2.1. The size of the proposed development is located within an area zoned 'Town Centre/Mixed Use'

5.2.2. Para. G3.2.2 states:

'Residential development will be encouraged in town centre areas to contribute to daytime and night-time uses. Innovative designs, a good mix of tenure and larger residential units will be encouraged....'

5.2.3. Para G3.2.5 states:

'The archways and doorways along JKL Street are an intrinsic feature of the buildings and streetscape. Many of the keystones over the doorways feature unique decorative designs and these contribute positively as a point of interest along the street. Many of the original decorative fanlights are retained over the doorways also.

Carriageway arches are prominent features in the central streetscape also. Their historical function is evident to provide access to the rear of properties, though it should be noted that most are not capable of accommodating an intensification of modern day vehicular traffic to and from the backland areas'.

5.2.4. Policy TCP7 seeks to

'Ensure that all works carried out to protected structures shall be in accordance with best conservation practice and the Guidelines for Planning Authorities on Architectural Heritage Protection, 2004'.

5.2.5. Policy TCP8 seeks to

'Ensure that all applications pertaining to the re-development of buildings that include features such as vernacular doorways and archways include a detailed methodology, prepared by a suitably qualified person, for the repair and maintenance of these features'.

5.2.6. Policy TCP9 seeks to

'Ensure that all new development respects, contributes to and enhances the public realm'.

5.2.7. Policy BNEP 1 seeks to

'Protect, conserve and enhance structures (in consideration of maintaining the character and interest of the structure as well as its setting) which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest including those listed on the County Offaly Record of Protected Structures in Edenderry and to promote the rehabilitation, renovation and re-use of these structures'

5.2.8. Policy BNEP2 seeks to

'Encourage and apply best conservation principles to all development applications relating to all historic buildings and structures, in Edenderry as listed in the Offaly County Council Record of Protected Structures.....'

5.2.9. Section 7.9.1 states:

'....No provision for car parking at all for residential development will incur the application of a financial contribution in lieu of the shortfall of car parking spaces required'

5.3. National Inventory of Architectural Heritage

5.3.1. No 41 JKL Street is included on the National Inventory of Architectural Heritage and rated as being of 'Regional' importance. The building is 'Appraised' as follows:

'This imposing eighteenth-century townhouse makes a positive contribution to the streetscape with its simple and symmetrical design. Despite a loss of its original sash windows, the house has a strong presence within the street. Its regular façade is enriched with a slender and elegant doorcase. Another further notable feature is the weather slating with diamond pattern to the eastern elevation. Both attractive and practical, this element is unusual within Edenderry'

National Guidelines

5.4. Architectural Heritage Protection for Planning Authorities

5.4.1. These Guidelines were issued by the Department of the Environment, Heritage and Local Government in 2004. The Guidelines seek to guide planning authorities concerning development objectives for protecting structures, or parts of structures,

which are of special architectural, artistic, cultural, scientific, social or technical interest.

5.4.2. Party 2 of the Guidelines provide detailed guidance to support planning authorities in their role to protect the architectural heritage when a protected structure is the subject of a development proposal.

5.4.3. Para. 6.8.8 of the Guidelines acknowledges that on the whole, the best way to prolong the life of a protected structure is to keep it in active use. Where this is not possible the Guidelines stipulate that there is need for flexibility to be responsive to appropriate, alternative uses for a structure.

5.5. **Sustainable Urban Housing: Design Standards for New Apartments.**

5.5.1. These Guidelines issued in December 2015 and March 2018 specify minimum standards in terms of a range of parameters for new apartment developments (floor areas, private open space provision, storage provision etc.).

5.5.2. Section 5.8 of the 2015 Guidelines acknowledged that it will not always be possible to achieve the minimum specified standards particularly in relation to historic buildings.

5.6. **Natural Heritage Designations**

- Mount Hevey Bog Special Area of Conservation (SAC) (Site Code 002342) is located c. 15km north of the appeal site.
- The Long Derries SAC (Site Code 000925) is located c. 5 km to the south of the appeal site.
- Ballynafagh Lake SAC (Site Code 001387) is located c. 15 km to the south of the appeal site.
- Moulds Bog SAC (Site Code 002331) is located c. 5 km to the south-east of the appeal site.

5.7. **EIA**

5.7.1. The proposed development which involves the sub-division of (and minor alterations to) an existing dwelling and the change of use of outbuildings to residential apartments and ancillary works does not fall within any class of development set out in Part 1 or Part 2, Schedule 5 of the *Planning & Development Regulations, 2001*.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The submitted grounds of appeal include:

- The proposed development will bring about the conservation, repair and rehabilitation of a Protected Structure at a significant town centre location on the edge of O'Connell Square whilst providing a form of residential unit that is currently in short supply.
- The proposed apartments are laid out to take account of the existing form and important fabric and features of the building.
- The proposed development will have a positive impact on the townscape of Edenderry. The proposal provides for the appropriate replacement of existing uPVC windows, which have degraded the architectural significance of the main street-front façade, with new timber sash windows the details of which in terms of proportions and mouldings will draw from surviving historic buildings elsewhere in the immediate vicinity.
- The applicant is happy to comply with any condition that might be attached to any grant of planning permission that might issue from the Board requiring the provision of conservation method statements, works to be supervised by Conservation Consultant etc.
- The new works and restoration works will be carried out with minimum intervention on the existing structure.
- The elements to be removed relate to ancillary structures to the rear of the site and are of no special interest.
- Each house on JKL Street has an on-street car parking complement of 2 spaces per dwelling. Thus, together with the 9 spaces provided on-site, a total car parking provision of 11 spaces can be provided to serve the proposed development.
- The proposed development will be provided with adequate car parking provision in compliance with the requirements of Edenderry Town Development

Plan which allows (in certain circumstances) for a relaxation of the normal County Development Plan requirement of 2 spaces per apartment unit.

- The proposed level of car parking provision complies with the requirements specified in the '*Sustainable Urban Housing : Design Standards for New Apartments*' Guidelines, 2018 in relation to peripheral or less accessible urban locations.
- Vehicular access arrangements to serve the proposed development will be similar to numerous other junctions along JKL Street. All of the premises fronting onto JKL Street have an individual or shared gateway to the Street. The existing entrance has served the site since the mid-1800s.
- It is estimated that the proposed development will give rise c. 20 no. traffic turning movements per day and that these movements will be spread out throughout the day. Most movements generated to and from the development will be pedestrian movements.

6.2. Planning Authority Response

- 6.2.1. The planning authority per letter dated 9th, September 2019, in response to the submitted grounds of appeal states that the Board's attention is brought to the technical reports on file. It is requested that the Board upholds the decision of the planning authority to refuse planning permission in this instance.

7.0 Assessment

- 8.0 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- (1) Conservation
- (2) Access, Traffic & Car Parking
- (3) Appropriate Assessment Screening

(1) Conservation

- 8.1.1. No. 41 JKL Street is a Protected Structure and is also included in the National Inventory of Architectural Heritage (NIAH).
- 8.1.2. An Architectural Heritage Impact Assessment (AHIA) submitted by the applicant outlines the history of Edenderry (previously a Quaker commercial town) and JKL Street (named after Bishop James (Warren Doyle) Bishop of Kildare and Leighlin). The AHIA cites the description and appraisal of the house as included in the NIAH (set out as Section 5 above). The original date of construction of the building is unknown. It is suggested that it may have been constructed c. 1802 (i.e. slightly later than that suggested in the NIAH). The house has been empty for many years, Structural modifications to the house over the years include insertion of a replacement timber staircase (to the basement), alterations to first and second floor layouts (probably carried out in the mid-nineteenth century) when the house was extended over a previously open rear yard and the replacement of original timber sash windows with uPVC windows. Original timber floorboards, seven-panelled internal doors, moulded joinery, plaster ceiling cornice and central light rosettes remain in-situ. There is evidence that the main house was sub-divided for multiple occupancy prior to being left vacant. The house has suffered as a consequence of localised vandalism including arson attacks during the years that it has been vacant.
- 8.1.3. The proposed development will provide for the sub-division of the main house into four self-contained apartments and the conversion of outbuildings to the rear of the main house (labourer's cottage, storage barn etc.) into three apartments together with the laying out of rear space for the provision of car parking and private open space. The AHIA states that relatively minor intervention will be required within the main house in order to create the proposed apartment buildings. The vast majority of the existing historic layout along with fabric such as decorative mouldings, joinery and the main staircase will be retained and incorporated into the planned development. The proposed development will provide for the replacement of existing uPVC windows with traditional timber sash windows that replicate the original windows of the house.
- 8.1.4. The AHIA concludes that the reinstating a viable use to the building will help ensure its ongoing maintenance and only very limited amounts of relatively nondescript architectural fabric will be lost through the proposed works.

- 8.1.5. Reason No. 1 of the planning authority notification of decision to refuse planning permission (as recommended by the planning authority Area Planner) states that the proposed development involves the destruction of significant elements of architectural importance of a Protected Structure which would materially contravene Development Plan policy (AAHO_02) which seeks to protect structures listed on the Record of Protected Structures. In coming to this conclusion, the planning authority Area Planner relies heavily on the comments and conclusions of the 'Conservation Report' (dated 20th, June 2019) prepared by the planning authority Senior Executive Architect. The latter report, in turn, quotes extensively from 'Report OF17-67' prepared by a 'Department Architectural Advisor'. Report 'OF17-67' was prepared in respect of an earlier proposal for the redevelopment of the site to provide for a total of 9 apartments (to include 5 one bedroom apartments in the main house) which was refused by the planning authority for three reasons (Reg. Ref. 17/67). Reason No. 2 of the latter decision was similar to Reason No. 1 of the planning authority decision on the current application.
- 8.1.6. Report 'OF17-67' which informed the decision on both Reg. Ref. 17/67 (and subsequently the current decision) highlighted a number of concerns and items for the planning authority to take into consideration to protect the fabric of the main house including implications for the eventual reunification of the house (while also suggesting that the sub-division of the main house into only 2 units would be considered to be a preferable option).
- 8.1.7. The submitted grounds of appeal argue that the proposed development has merit in that it will provide for an increase in much need residential supply while also providing for the conservation, repair and rehabilitation of a Protected Structure which occupies a significant and prominent location within the town. It is further submitted that (as has been highlighted in the submitted AHIA) the proposed works will involve minimum intervention into the existing building and will upgrade the façade of the historic building due to the fact that the previously installed uPVC windows will be replaced with new timber sash window the details of which will match the materials and proportions of the original windows and surviving historic buildings elsewhere in the vicinity of the site. The applicant is happy to comply with the terms of condition that might attach to a grant of planning permission by the Board requiring the provision of

a Conservation Method Statement, employment of a Conservation Consult to oversee the proposed works.

- 8.1.8. I note that the scheme of development currently being proposed has been significantly modified from the scheme proposed under Reg. Ref. 17/67. The current proposal provides for less units (7 as against 9) and for a greater proportion of 2 bedroom units than previously proposed. The report prepared by the 'Department Architectural Advisor' (OF17-67) listed concerns and suggested modifications that might have been appropriate to the previous proposal (the omission of lobbies etc.) in order to better protect the historic fabric of the main residence. In my opinion, these concerns (insofar as they apply to the current proposal) can be adequately addressed by the attachment of an appropriately worded condition to any grant of planning permission that may issue from the Board.
- 8.1.9. One of the more significant concerns flagged in the Department Architectural Advisor report on OF17-67 referred to the proposed removal of outbuilding No. 8 that forms the square of the courtyard to the rear of the No. 41 JKL Street given that it is of similar architectural quality as some of the other buildings for retention and completes the shape of the ensemble. The report recommends that the masonry walls of this building should be retained and repaired and should not be removed to facilitate car parking. This building is again proposed for demolition in the current proposal. I would agree that the retention and restoration of this building which completes the ensemble of structures enclosing the courtyard would be desirable in the interests of conservation and should not be sacrificed in order to facilitate the provision of on-site car parking. However, I consider that the retention of this building could be achieved by the attachment of an appropriately worded condition to any grant of planning permission that might issue from the Board. (see also comments at Para. 8.1.18 below re on-site car parking provision).
- 8.1.10. On balance I consider that the proposed development has merit in that it would facilitate the return to active use of a vacant Protected Structure and prevent the main dwelling and ancillary complex of buildings falling into further dereliction and/or becoming derelict. Furthermore, the proposed development provides for the retention of many features of historic and architectural importance (including the front entrance and the arched vehicular entrance – features characteristic of JKL Street which are specifically mentioned for protection in the LAP). The main fabric of the house will not

be lost as a consequence of the proposed development and inappropriate uPVC windows that have previously been installed in the house will be replaced using traditional wooden sash windows to match the original windows of the house. I consider that the retention of details of the existing structure and the retention of outbuilding No. 8 can be achieved by way of the attachment of conditions to any grant of permission that might issue from the Board. Subject to such conditions I consider that the proposed development would be consistent with the approach advocated in Para. 6.8.8 of the Architectural Heritage Guidelines which acknowledge that the best way to prolong the life of a Protected Structure is to keep it in active use and where this is not possible there is a need for flexibility to be responsive to appropriate alternative uses for a structure. In these circumstances, I do not share the conclusion of the planning authority Area Planner as expressed in Reason No. 1 of the planning authority notification of decision to refuse planning permission.

(2) Access, Traffic & Car Parking

Car Parking:

- 8.1.11. Site development standards as set out in Table 8.2 of the Offaly County Development Plan stipulates an off-street car parking requirement of 2 spaces per dwelling unit. Thus, the proposed development would generate a car parking requirement of 14 spaces.
- 8.1.12. The provision of 9 on-site car parking spaces are indicated per the submitted documentation. The applicant states that the existing Manor House at No. 41 JKL Street has an entitlement to 2 on-street car parking spaces. Thus, it is submitted, that there would be a shortfall of 3 car parking spaces to serve the proposed development. It is submitted that the quantum of car parking provision is adequate to serve the proposed development.
- 8.1.13. The LAP envisions circumstances in which the levying of a financial contribution might be acceptable in lieu of car parking provision. Section 7.9.1 of the LAP states that *'...No provision for car parking at all for residential development will incur the application of a financial contribution in lieu of the shortfall of car parking spaces required'*.
- 8.1.14. Having regard to the nature of the proposed development together with the location of the site in close proximity to the town centre and the range of retail, commercial and

community facilities located with close proximity (walking distance) of the site, I consider that quantum of proposed car parking would be adequate to serve the proposed development and some flexibility in relation to the application of normal Development Plan requirements would be appropriate with or without the levying of a financial contribution towards the shortfall in car parking space provision.

Access & Traffic

- 8.1.15. It is proposed that the 9 on-site car parking provision to serve the proposed apartments will be accessed via the existing historic arched entrance to the site from KJKL Street. The appeal property dated from the late 18th Century. The original entrance would have served to provide access for horse drawn carriages to the outbuildings etc. to the rear of the dwelling. [para G3.2.5. of the LAP highlights the fact that '*The archways and doorways along JKL Street are an intrinsic feature of the buildings and streetscape*'. Policy set out elsewhere in the LAP promotes the protection of these features]. In these circumstances, I consider that any proposal to modify the archway would be unacceptable in the interests of conservation.
- 8.1.16. This arched entrance is narrow, would not allow for the passing of cars travelling in the opposite direction. Furthermore, the arched entrance abuts the public footpath to the front of the site and is set back only a short distance from the public roadway. This access suffers from very restricted sightlines in both directions for vehicles exiting the site. The Edenderry Municipal District Engineer has highlighted the fact that JKL Street is part of the Regional Road R403 forming a major thoroughfare through Edenderry town and considers that the proposed development would indicate a significant increase in traffic movements through this entrance. The Municipal District Engineer considers that these movements will result in potentially significant delays to significant traffic delays through the town. The applicant has submitted that the majority of movement to and from the proposed development will be pedestrian movements and that the proposed development will generate only c. 20 vehicle movements into and out of the site per day. On balance, given the lack of adequate sightlines for vehicles exiting the site via the arched entrance together with the fact that JKL Street forms part of the main thoroughfare through the town and is part of a busy Regional I would share the concerns of the Municipal District Engineer in relation to the proposed

access route to the proposed car parking. In the se circumstances, I consider that the proposed car parking and access arrangements would endanger public safety by reason of a traffic hazard.

- 8.1.17. The LAP includes policies geared to the promotion of the opening up of backland sites to the rear of JKL Street and other streets to suitable development. In this context, lands to the rear of No. 41 would appear to have clear development potential. Thus, potential exists for the development of lands adjoining the rear of the appeal site in a manner that would facilitate alternative vehicular access to the appeal site (rear car parking area). In this regard, it should be pointed out that Para. G3.2.5 of the LAP states in relation to arched entrances to properties along JKL Street (and elsewhere in the town) that their '*...historical function is evident to provide access to the rear of properties, though it should be noted that most are not capable of accommodating an intensification of modern day vehicular traffic to and from the backland areas*'.
- 8.1.18. Given the merits of the proposed development in terms of the opportunity that it presents to halt the further decay and to provide for the restoration and rehabilitation of a vacant Protected Structure and having regard to the town centre location of the proposed development (with reasonable availability of public car parking spaces throughout the town the Board may consider that it would be appropriate to consider granting planning permission for the proposed development subject to the attachment of an appropriately worded condition requiring that no dedicated car parking be provided to serve the proposed development. However, notwithstanding the proximity of on street public car parking in the vicinity of the site. I consider that this option would be unwarranted in circumstances where (a) the public road in front of the appeal site is marked by double yellow lines, thus, future residents of the proposed apartments would not be able to legally 'pull-in' vehicles in order to facilitate the drop of or collection of property/shopping etc. and (b) it is likely that residents of the proposed apartments would avail of car parking spaces in the town square opposite the appeal site which would significantly impact on the availability of these public car parking spaces for use by other commercial uses in the area. Furthermore, the use of these spaces by residents of the proposed apartments would necessitate pedestrian movements across the R403 every time residents move to and from their cars.

(3) Appropriate Assessment Screening

8.1.19. Having regard to the nature and scale of development proposed (in an urban area served by public water and sewerage facilities) and to the nature of the receiving environment (town centre) and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European site.

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

The proposed development involves the provision of on-site car parking to the rear of the site which will be accessed via the historic archway entrance from JKL Street to the rear of the property. This entrance which was not designed to serve significant volumes of traffic or motorised vehicles suffers from severely restricted sightlines in both directions for vehicles exiting the site onto JKL Street. Furthermore, the intensification of use of this entrance resulting from the proposed development and the associated stopping of vehicles on JKL Street (part of Regional Road R403 which passes through the town of Edenderry) would give rise to periodic and potentially significant delays to traffic using this route. Accordingly, it is considered that the proposed development would interfere with the safety of other road users and would endanger public safety by reason of a traffic hazard.

Paddy Keogh
Planning Inspector
2nd, April 2020