



An
Bord
Pleanála

Inspector's Report ABP-305974-19.

Development	Retention permission for the material alteration to the front elevation together with all associated site works.
Location	No. 7 Barrack Street, Drogheda, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	19740.
Applicants	Barry & Josephine O'Brien.
Type of Application	Retention Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellants	Barry & Josephine O'Brien.
Observer(s)	None.
Date of Site Inspection	7 th day of February, 2020.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 7 Barrack Street, the subject appeal site, has a stated 0.0147ha area and it is located on an elevated position on the southern side of Barrack Street, in the settlement of Drogheda, Co. Louth, c44m to the south west of its junction with the R132 which also accommodates at this point a complex signalised junction that includes but is not limited to the southernmost termination point of the R167.
- 1.2. The site accommodates a much modified modest in height and built form 2-storey period terrace property whose principal façade fronts immediately onto the pedestrian footpath that aligns with the southern side of Barrack Street. There are pay and display car parking spaces aligning the southern roadside edge as well as on the opposite side of Barrack Street.
- 1.3. The neighbouring terrace properties on either side are also residential in nature with the land uses in proximity to the Barrack Street junction with the R132 also including commercial usage at ground floor level. The built form of properties to the east of the site consist of terrace 2-storey vernacular properties that are predominantly characterised by a painted nap plaster external finish with slate roof over. To the west of the site the neighbouring terrace properties are single storey vernacular properties also with a nap plaster external finish with slate roof over.
- 1.4. Photographs taken during my inspection of the site and its setting are attached.

2.0 Proposed Development

- 2.1. Retention permission is sought for the material alterations to the front elevation of No. 7 Barrack Street by way of stone cladding together with associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused retention permission for the following stated reason:

“1. Section 6.6 (Design Guidelines) of the Drogheda Borough Council Development Plan 2011-2017 states “Materials and form shall respect those

which are prevalent within the immediate vicinity of the site". The stone cladding is out of keeping with the character of the terrace and has a detrimental impact upon the overall visual amenity of the area. Accordingly, to permit the proposed development would materially contravene the policy provisions of the Drogheda Borough Council Development Plan 2011-2017 and would thereby be contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. It includes the following comments:

- This development does not protect and/or improve the visual amenity of the area.
- Reference is made to Section 6.6 of the Development Plan.
- The stone cladding is out of keeping with the character of this terrace group and has a detrimental impact on the visual amenities of its streetscape setting.
- The site is located within a historic part of the town and within the zone of notification for scheduled monument LH024-041009 and Barrack Street leads to the Millmount ACA which is located c70m to the south of the site.
- This report concludes with a recommendation for refusal.

3.3. Other Technical Reports:

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. There is no recent and/or relevant planning history pertaining to the subject site; however, it is noted that this application appears to have been made on foot of Enforcement Action taken by the Planning Authority under P.A. Reg. Ref. No. 19/U102 in the form of a Warning Letter. The subject matter of this enforcement is stated to relate to *“unauthorised alteration to front of existing dwelling house”*.

5.0 Policy Context

5.1. Local Planning Policy Provisions

- 5.1.1. **Louth County Development Plan, 2015 to 2021:** This Development Plan refers to Drogheda as a Level 1 settlement. It is notes that a new LAP will be developed for Drogheda and that the development plans will be sub-sets of and will be consistent with the County Development Plan.
- 5.1.2. **Drogheda Borough Council Development Plan, 2011 to 2017:** This is the applicable plan for the site and its setting in so far as it is consistent with the aforementioned County Development Plan. Under this Plan the site is zoned 'RE' - *“to protect and/or improve the amenity of developed residential areas”*.

5.2. Natural Heritage Designations

- 5.2.1. There are is number of Natura 2000 sites within a 15km radius of the appeal site. The nearest are:
- Circa 67m to the south of Special Area of Conservation: River Boyne & River Blackwater SAC (Site Code: 002299);
 - Circa 1.8km to the south west of Special Protection Area: Boyne Estuary SPA (Site Code: 004080).
 - Circa 2.7km to the west of Special Area of Conservation: Boyne Coast & Estuary SAC (Site Code: 001957).

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and scope of the development sought, the appeal sites setting located close to the heart of the Drogheda's town centre, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider that there is no real likelihood of significant effects on the environment arising from the development sought. 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 decision to refuse permission is not reflective of the diverse physical and visual character of the sites streetscape setting.
- External cladding was installed in 2016 to replace a nap render finish which had delaminated from the core wall on previous occasions. Three years after these works a Warning Letter was received from the Planning Authority in relation to these works.
- Barrack Street's physical character and visual appearance has changed dramatically over the years with the houses opposite now gone and replaced by a mural wall.
- The site is in an area that is defined a mixture of commercial and residential uses.
- The buildings immediately adjacent to the site are varied in terms of their size, shape, height through to external finishes.
- The cladding adds to the diverse and composite aesthetical character of the area without any undue negative impact.
- The site and adjoining properties are not Protected Structures nor does Barrack Street form part of an Architectural Conservation Area.

- Having regard to the sites setting amongst a diverse palette of building materials, finishes and colours schemes the stone cladding on this subject property results in little of not discernible injurious impact or effect.
- The roadside wall opposite screens the majority of the front façade from view.
- The removal of the cladding and its replacement would be expensive.
- This development does not materially contravene the provisions of the Development Plan.
- The Board is requested to overturn the Planning Authority's decision in this case.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- This stretch of Barrack Street is characterised by dwellings with a nap plaster finish and the street has a residential character.
- It is physically detached as well as visually detached from Drogheda's town centre by the R132 and by the properties on John Street.
- This site is located in close proximity to the Millmount Architectural Conservation Area and reference is made to local planning policy provisions in place to protect the ACA from developments within or affecting it.
- The cladding material on the front façade of the subject property adversely impacts upon the character of the ACA.

7.0 Assessment

7.1. Introduction

7.1.1. The main issues in this appeal case are those raised in the grounds of appeal and by the Planning Authority in their response to the grounds of appeal. In brief they relate to the Planning Authority's single reason cited to refuse retention permission. I am satisfied that no other substantive issues arise. In addition, the matter of appropriate assessment also needs to be addressed.

7.2. Refusal Reason No. 1 – Changes to the Principal Elevation of the Subject Property

- 7.2.1. By way of this application retention permission is sought for a development that consists of the material alteration of the front elevation of No. 7 Barrack Street, a period terrace property that lies within the historic medieval town wall boundaries that back to circa the 11th Century on the southern side of the River Boyne.
- 7.2.2. There appears to be no objection or issues raised in relating to any other feature of the principal elevation alterations other than the cladding provided to the main front elevation. This cladding has been provided below the eaves level of the adjoining terrace properties on either side. This is despite what appears to be a sand/cement nap render finish being forward of the front building line of this property that together with the cladding both have both encroached onto the public footpath. Albeit, this encroachment is not of a significant depth, it notwithstanding has reduced the width of a public footpath, that at this point is not of a significant width. As such this encroachment is in my view problematic in terms of the adjoining public domain at this location and in my view, it adds to the visual incongruity of the alterations that have occurred to the principal elevation of the subject property.
- 7.2.3. I am cognisant however, the matter of encroachment onto the public domain, which would appear to have occurred without the Planning Authority's consent in this case, could be considered as a new issue by the Board in its determination of this appeal case.
- 7.2.4. On the matter of the stone cladding I understand the Planning Authority's position in this case having regard to the sites location and the provisions set out particularly in their Drogheda Borough Council Development Plan, 2011 to 2017, which includes but is not limited to the following planning provisions that are in my view relevant to the determination of this particular case:
- The site and its setting land use zoning is - '*RE*'. The stated objective for such lands is "*to protect and/or improve the amenity of developed residential areas*".
 - Section 6.5.1 – which sets out a number of guidelines for achieving successful and sustainable residential development in urban areas including seeking that developments "*present an attractive and well maintained appearance*" through to that they "*enhance and protect the built and natural heritage*" of an area.

- Table 6.1 – which advocates that the design of buildings should make a positive contribution to their location.
- Section 6.6 – which requires that design and scale of developments to be in keeping with the surrounding character of the area. In relation to materials and form it indicates that developments “*shall respect those which are prevalent within the immediate vicinity of the site*”.
- Section 6.6.9 – whilst dealing with the matter of ‘extensions’ to residential developments it indicates that these should not “*detrimentally affect the appearance and character of existing dwelling*”; and, that they should not “*conflict with existing building materials and finishes*”.

7.2.5. Having regard to the terrace group No. 7 Barrack Street itself forms part of, the introduction of the stone cladding below the eaves level of properties on either side is visually incongruous and out of character with the defining visual characteristics of this terrace group as appreciated from the public domain. In particular, as appreciated from the public domain of Barrack Street.

7.2.6. This terrace group is a vernacular and traditional in appearance period terrace group of modest in height and built form two and single storey properties that has a defining character that is largely informed by the consistency that survives in terms of its palette of external materials, i.e. nap render and slate roofs over.

7.2.7. I observed that none of the properties in this terrace group or indeed the Barrack Street streetscape scene that the subject property forms part of contains a stone external façade treatment. I also observed that outside of the alterations to the principal façade of the subject property; the provision of a shopfront together with associated signage on the principal façade of No. 1 Barrack Street to the east at the start of Barrack Street where it meets the R132; the painting over the nap plaster on a number of the properties; upgrades of windows, roof and rainwater goods to various extents, the subject terrace group is otherwise highly consistent and coherent in its overall appearance despite its apparent age and these changes.

7.2.8. Thus, Barrack Street to the east and west of the subject property maintains a high degree of its original built aesthetic and legibility legible as a traditional in style modest in materials terrace group of single storey and vernacular workers cottages as viewed from the immediate and wider public domain.

- 7.2.9. Moreover, due to the elevated position of the subject property on the southern side of Barrack Street which at this location continues the westerly rise that commences at its junction with the R132 to the east of the site in the direction of the built heritage significant Millmount Fort, its associated complex of buildings and structures, together with the height of the wall on the opposite side of the road results in the principal façade of No. 7 Barrack Street being visible beyond the localised streetscape view and public domain of Barrack Street itself.
- 7.2.10. On this point I note that it is visible from further vantage points within the wider setting.
- 7.2.11. Most concerningly it is visible as part of the views of Millmount complex from the public domain including as appreciated from the heavily trafficked R132 and R169. With its *ad hoc* mixture of stone cladding and nap plaster rendered wide dormer window roof insertion together being highly visually dominant as contrasting external treatments to the other terrace properties within the group it forms part of. This visual incongruity results in this terrace property standing apart from adjoining and neighbouring properties on this stretch of Barrack Street.
- 7.2.12. In addition, by foot from the historic centre of the town, Barrack Street is one of the main approaches to Millmount complex, with the name of this street being linked to the barrack that was constructed also within the Millmount complex.
- 7.2.13. Indeed, journeying up Barrack Street by foot or otherwise along the streetscape scene that extends from No. 1 Barrack Street to No. 12 Barrack Street one has glimpses towards this highly important built heritage site which is one of the towns main visitor attractions. This site contains a number of notable Protected Structures and Recorded Monuments with the Tower open to the public and one of the former barrack structures in use as a Museum. There is also a restaurant and a number of other uses present that act as a draw for visitors to this important built heritage site.
- 7.2.14. At No. 12 Barrack Street the alignment of Barrack Street changes as it curves around the base of the Millmount's Mound, its associated boundary walls and built structures. With the acutely curving street alignment around the base of Millmount the streetscape scene No. 7 Barrack Street forms part of falls out of view and the visual characteristics of this street changes. As such it would not be appropriate to include No. 7 Barrack Street beyond No. 12 as it is not a visible component of the eastern side of Barrack Street to where it terminates at Millmount Terrace.

- 7.2.15. Irrespective of whether the historic period terrace group benefits from specific protection by way of Protected Structure through to forming part of an ACA the southern side of Barrack Street; it does nonetheless form part of a historic surviving streetscape scene and urbanscape, whose character and legibility is sensitive to change. In my view developments at this location should not result in any detrimental impact to its surviving built heritage intrinsic qualities or erode the legibility of this historic streetscape scene and urbanscape.
- 7.2.16. In terms of Borough Council Development Plan, I note that Strategic Objective 8, states that the Planning Authority shall seek to *“protect and enhance the natural and built environment as an inherent part of the heritage of the Drogheda Borough Council Plan area”*.
- 7.2.17. In addition, Section 8.1 of the said Development Plan states that it is also an objective *“to safeguard the built environment as a resource in its own right and ensure that future generation can understand and appreciate their heritage”*; and, *“to protect and enhance the quality of the built environment as an asset in promotion of tourism and enhancing the image of Drogheda as a place to live and visit”*.
- 7.2.18. Moreover, Section 8.4 of the said Development Plan states, *“in the context of sustainable development, a commitment to re-using and maximising the retention of buildings will protect and enhance buildings and structures for future generations”* and that *“appropriate materials and techniques must be incorporated”*.
- 7.2.19. In addition, Policy CH10 sets out that the Planning Authority will seek to *“encourage the appropriate re-use, renovation and rehabilitation of older buildings which are not protected but have some architectural, historic or heritage merit”*.
- 7.2.20. Having regard to the built heritage sensitivity of the site, the survival of the terrace group the site forms part of as largely intact as appreciated from the public domain, the importance of Barrack Street in the approach to the historic complex of Millmount which is afforded several specific protections ranging from containing Protected Structures through to National Monuments, the importance of Barrack Street and its surviving medieval grain which is still echoed through the vernacular and traditional in appearance terrace group that extends from No.s 1 to 12 Barrack Street, I consider that to permit the retention of this cladding would be contrary to the local policy provisions set out above. In particular, it would result in the continued diminishment

that has resulted in terms of the appreciation of the built heritage of its setting that form an important part of defining its character and visual amenity qualities.

7.2.21. This concern is further heightened by the fact that No.7 Barrack Street also forms part of the visual curtilage and setting of a number of other significant surviving man-made buildings and features of built heritage significance. Of particular relevance in relation to the subject property is St. Mary's Roman Catholic Church, Ollie's Bar (which also appears to include part of a previous medieval structure at this location which is also afforded protection as a National Monument) and Tuite's which are located within the streetscape scene to the east of the subject property. It would, if permitted, visually diminish the setting of these structures and their appreciation from the public domain of their immediate through to wider setting.

7.2.22. In conclusion, having regard to the above considerations I recommend that the development sought should be refused.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the development within a fully serviced suburban location, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.4. **Other Matters Arising**

7.4.1. **Cost:** I note the concerns raised in relation to the costs that would be associated with removing the cladding from the principal façade of the subject dwelling and the reinstatement of a nap plaster finish. Notwithstanding, I do not consider that this is a matter for the Board as it has to determine this application as if the development was not carried out in the first instance.

7.4.2. Whilst I acknowledge that there is a benefit in seeing the outcome of a development that is the only benefit there is, in my opinion, in this situation as I am not convinced that the development sought under this application would have been permitted should it have been sought originally by way of an application for planning permission prior to the works having being carried out due to the detrimental impact it would have on the

visual amenities of its setting and for it not being consistent with the local planning policy provisions for development in this area as well as of this type.

8.0 Recommendation

8.1. I recommend that retention permission is refused.

9.0 Reasons and Considerations

9.1.1. It is an objective of the Planning Authority under the land use zoning of the site and its setting under the Drogheda Borough Council Development Plan, 2011 to 2017, “*to protect and/or improve the amenity of developed residential areas*”.

In addition, under Section 6.6 of the Borough Council Development Plan to ensure that design and materials of developments are in keeping with the prevailing character of the area; under Strategic Objective 8 to protect and enhance the built environment as an inherent part of the heritage of the Plan area; under Section 8.1 to safeguard the built environment as a resource in its own right to ensure that future generations can understand and appreciate their heritage; and, under Policy CH10 to encourage the appropriate renovation through to rehabilitation of older buildings which are not protected but have some particular heritage through to historic merit. These local planning policy provisions are considered to be reasonable.

Having regard to the location of No. 7 Barrack Street as part of a vernacular traditional terrace group, the high level of consistency surviving in this terrace group’s external treatment and expressions of its principal facades, the elevated position of the property in its setting which results it in being highly visible within its streetscape scene and from the wider public realm. A setting which includes the built heritage significant Millmount complex which is afforded specific protection by way of a number of Protected Structure and National Monument designations relating to surviving man-made built heritage buildings and structures that it contains, it is considered that the alterations to the principal façade of No. 7 Barrack Street, if permitted for retention, would be visually incongruous, adversely overbearing and out of character with the historic terrace group it forms part of as well as the appreciation of this terrace group within its streetscape scene.

It would also detract from the intrinsic visual qualities and legibility of the built environment at this location in a manner that would be inconsistent with protecting the built environment and the significant built heritage assets it contains. In particular, Millmount, a major tourist asset and draw within the settlement of Drogheda. For these reasons, the development sought would materially and adversely affect the character and setting of Millmount, the Protected Structures and National Monuments therein, as well as would, seriously injure the amenities of the area.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

10th day of February 2020.