



An  
Bord  
Pleanála

## Inspector's Report ABP-306653-20.

### Development

Outline permission for 4 no. two storey terraced houses, and 2 no semi-detached two storey houses together with access roadway, on-site parking and shared private open space. total 6 no houses, connected to public water and sewer mains. new vehicular and pedestrian access gates onto the L-1020-1 Geashill to Ballinagar road. no works are proposed on the adjacent protected structure.

### Location

Dalغان, Geashill, County Offaly.

### Planning Authority

County Council.

### Planning Authority Reg. Ref.

19/552.

### Applicant(s)

Jim & Catherine Hamilton.

### Type of Application

Outline Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party

### Appellant(s)

Jim & Catherine Hamilton.

### Observer(s)

None.

### Date of Site Inspection

14/05/2020.

### Inspector

A. Considine.

## **1.0 Site Location and Description**

- 1.1. The subject site is located in the village centre of Geashill, Co. Offaly and has frontage on two public roads, being the R420 the Tullamore-Portarlinton Road which runs in an almost east to West direction, and the Ballinagar-Kilcavan Road which runs in a north south direction. The site surrounds Hamilton's Pub, which is located on a corner of the crossroads in the village and overlooks the village green. Hamiltons' Pub, and its associated outbuildings, is a Protected Structure and the site comprises a grassed area of the site.
- 1.2. The site has a stated area of 0.19ha and the proposed access to the development will be via the local road, the Ballinagar-Kilcavan Road which lies to the west of the site. The access to Geashill Castle lies immediately to the north of the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought, as per the public notices for Outline planning permission for 4 no. two storey terraced houses and 2 no semi-detached two storey houses together with access roadway, on-site parking and shared private open space, all at Dalgan, Geashill, Co. Offaly
- 2.2. The application included a number of supporting documents including as follows;
  - Plans, particulars and completed planning application form
  - Planning Report detailing the planning history of the site and general design parameters.
  - Report on the Architectural / Historical Significance of Hamilton's Public House and Outhouses at Geashill, Co. Offaly, prepared by C. Ryan, 2003.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for 6 stated reasons, summarised as follows:

1. The development would be contrary to Policy POL-01 of the Geashill Architectural Conservation Document 2014-2020 and the Geashill Village Plan – Development and Design Objectives of the Offaly County Development Plan 2014-2020 by reason of the design and architectural treatment of the proposed development.
2. The density of the development is excessive
3. The layout and design would be contrary to the Sustainable Residential Development Guidelines, by reason of the suburban layout and design which does not respect the established pattern and grain of development in the village.
4. Inadequate provision of private open space and the development would represent a significant overdevelopment of the restricted site, would seriously injure the residential amenity of future occupiers and properties in the vicinity.
5. Inadequate distance between opposing windows, contrary to Section 8.6.6 of the CDP, would seriously injure the residential amenity of future occupants.
6. Information submitted as part of the application is considered substandard, without an accurate site survey or daylight and shadow projections, the PA is unable to establish the impact of the development on adjoining properties.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report. The planning report concludes that proposed development is not acceptable.

The Planning Officer recommends that permission be refused for the proposed development, for 6 reasons relating to non-compliance with policy POL-01 of the Geashill Village Plan – Development & Design Objectives of the CDP, density, layout and design, inadequate open space provision and overdevelopment of the site, injury

to residential amenity and due to lack of information presented, the PA is unable to establish the impact of the proposed development on adjoining properties.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

### 3.2.2. **Other Technical Reports**

**Senior Executive Architect:** Notes that the location of the site in the heart of Geashill and its proximity to protected structures, together with plot size, density and form makes the proposal difficult and demanding. The report raises a number of concerns with regard to the proposal and concludes that it does not provide good quality and highly desirable housing for Geashill village. It is submitted that proposals should introduce spacious units with generous green areas that are designed to respect and complement the historical heart of the village. The report recommends a general redesign.

**Chief Fire Officer:** Advises no objection subject to the lodging of a Commencement Notice in accordance with the Building Control Act, 2009 before the development commences.

**Water Services:** No objection subject to compliance with conditions.

**Area Engineer:** Raises a number of concerns in terms of the removal of the phone-box, which was installed by the Tidy Towns Committee to integrate with the character of the village. It is also submitted that the impact of the removal of trees and street furniture on the character of the village has not been considered adequately and that views formed in 2003, may no longer be accurate. Notes that flooding has occurred recently at the rear of the Church of Ireland and Garda Station, which may impact on this site. It is recommended that the application be reviewed by the Environment and Water Section.

**Road Design:** Further information required with regard to how sight lines are going to be achieved at the proposed vehicular entrance in compliance with DMURS.

### 3.2.3. **Prescribed Bodies**

**Department of Culture, Heritage and Gaeltacht:** The Department made a submission in terms of the archaeological potential of the site and

recommends that pre-development testing, as described in the report, be carried out at the site and included as a condition of a grant of planning permission.

#### 3.2.4. **Third Party Submissions**

There is 1 no. third party objection noted on the planning authority file. The issues raised are summarised as follows:

- Objects to proposed houses 5 and 6 which are proposed to be two storey houses and will be faced in such a manner where they are overlooking and will lead to loss of privacy.
- Objects to proposed house 4 which will lead to loss of light to a current gable end window and given the proximity of the house to the boundary fence, it will not leave space to render / pain without entering the neighbouring property.
- Advises no objection to appropriate development.

## 4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

**PA ref: 00/876:** Permission refused to Mr. Jim Hamilton for the construction of 9 no. dwelling houses & conversion of 3 no. outhouses to townhouses.

**PA ref: 03/146:** Permission sought by O'Brien Bros Ltd for the provision of 8 no. dwelling houses and renovation of outhouses within the curtilage of a Protected Structure, comprising of 3 no. single storey dwelling houses (2 no. 2 bed units and 1 no. 1 bed unit) (11 units in total).

Permission was granted for 6 units and the renovation of the outhouses (9 units in total).

## 5.0 Policy and Context

### 5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

Urban Housing:

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

### 5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.2. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.3. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.9 and 6.10 of the Guidelines deal with centrally located sites and state as follows:

6.9 Within a given smaller town or village, there can be marked variations in development context which affect the density of development and external space standards needed to take account of those contexts. Because of the variety of contexts and the probability of mixed use developments, it is difficult to be prescriptive about the level of density recommended. However, within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate or for more mixed-use schemes. There is also the potential for schemes of particularly high architectural and design quality to suggest densities higher than the range suggested above.

6.10 The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets. While a 22-metre separation distance between opposing above ground floor windows is normally recommended for privacy reasons, this may be impractical and incompatible with infill development. In these cases, innovation and flexibility will be essential in the interpretation of standards so that they do not become inflexible obstacles to the achievement of an attractive village and small town character in new development.

### **5.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).**

Having regard to the location of the subject site in terms of being located within an ACA, immediately adjacent to a number of protected structures and recorded monuments, the closest lying approximately 75m to the east, Church and Graveyard, the '*Architectural Heritage Protection, Guidelines for Planning Authorities*' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is

obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs and sections 3.7.1 – 3.7.5 are considered relevant. In addition, Section 3.9 of the Guidelines relate to Design Briefs for Sites of Sub-Areas and Section 3.10 deals with Criteria for Assessing Proposals within an ACA

Further to the above, Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

#### **5.4. National Inventory of Architectural Heritage**

The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the



inclusion of structures in the RPS according to the criteria outlined in these guidelines.

The village of Geashill has been subject to an ACA and the supporting documents identify a large number of protected structures and structures listed on the NIAH. The subject site lies within the curtilage of a protected structure and of particular relevance are the following structures, which lie immediately adjacent to the subject site:

- Hamiltons Pub, NIAH ref 14814006 – Regional Rating.
- The Rev. Thomas H. Burbage Monument, NIAH ref 14814016 - Regional Rating.

#### **5.5. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

#### **5.6. Development Plan**

5.6.1. The Offaly County Development Plan 2014 – 2020, is the relevant policy document relating to the subject site. The site is located in the centre of the village of Geashill, Co. Offaly.

5.6.2. In terms of the Settlement Hierarchy and Planning Principles for development of the Offaly CDP, the plan states as follows:

The Villages in County Offaly are very attractive and rural in character. Many are apportionally scaled with well-designed residential, commercial and community developments in keeping with the character of the village. A

priority for villages is to retain community and social facilities and to encourage service provision. The prevailing scale and density of villages provide a viable opportunity for serviced sites as an alternative to rural housing. It is acknowledged that some villages require significant improvements in physical infrastructure to facilitate existing residential and commercial development. Residential development in villages should at all times be of appropriate scale and density. Villages include statutory zoning for a range of uses. Development in Village areas must strike a balance in meeting the needs and demands of the village or its rural hinterland and be sensitive and responsive to the existing prevailing pattern, scale, density and design of the village.

5.6.3. The Plan further states:

The use of land as Town/Village Centre Mixed Use shall be taken to include the use of land for a mix of uses, making provisions, where appropriate for “primary” uses i.e. primarily commercial/retail and combined with other compatible uses e.g. residential as “secondary”. These secondary uses will be considered by the Local Authority, having regard to the particular character of the area. A diversity of uses for both day and evening is encouraged. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

Compatible uses within this zoning objective include - banks and other financial institutions, cafes, community buildings, civic buildings, entertainment, hotels, leisure and recreation, offices, professional/specialist services, restaurants etc. The Council will continue to ensure that any development proposed is in the interests of proper planning and sustainable development, and serves to reinforce the vitality and viability of town and village centres, whilst meeting the needs of its community and surrounding hinterland.

Development proposals should be of a use, scale, form and design that accords with the role, function and size of the location in both the Settlement Hierarchy and the Retail Hierarchy of the plan i.e. town centre setting or a village centre setting.

5.6.4. Chapter 7 of the CDP is relevant in that it deals with Heritage and Landscape. Section 7.18 deals with Built Heritage while sections 7.19 and 7.20 deals with Architectural and Archaeological Heritage Policies and Objectives.

In terms of Architectural Conservation, Section 7.18.3 states in relation to Architectural Conservation Areas:

Architectural Conservation Areas (ACA) comprise a place, an area, or group of structures or part of a townscape, which is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or contributes to the appreciation of protected structures; and which is listed as such an area in the County Development Plan. It may or may not include protected structures. An ACA may consist for example, of a terrace of houses, a street, town centre or a cluster of structures associated with a specific building such as a mill or country house. Unless a structure is also included on the Record of Protected Structures, the protected status afforded from inclusion in an ACA only applies to the exterior and streetscape.

Any works which would have a material effect on the special character of an ACA need planning permission. Piecemeal alterations on individual non protected structures can have a significant cumulative effect on a streetscape.

Objectives to preserve the character of ACAs may be included in a Development Plan where considered necessary to preserve their character. Offaly County Council will examine the need to designate areas as Architectural Conservation Areas during the period of the plan.

5.6.5. The following policies and objectives are considered relevant in relation to the subject appeal:

**Policy AAHP-03:** It is Council policy to ensure that new build adjoining, and extensions to, vernacular buildings are of an appropriate design and do not detract from the building's character.

**Policy AAHP-22:** It is Council policy to require that all development proposals within an ACA should be appropriate to the character of the area, inclusive of its general scale and materials, and are appropriately sited and sensitively designed having regard to the advice given in the Statements of Character for each area.

**Objective AAHO-08:** It is an objective of the Council to ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and that the design is appropriate in terms of scale, height, plot density, layout, materials and finishes.

5.6.6. Chapter 8 of the Plan deals with Development Management Standards while Section 8.6 relates to Residential Development – Multiple Housing Schemes.

5.6.7. Volume 2 of the Offaly County Development Plan deals with Settlement Plans and includes a plan for Geashill and the site is zoned M1 Village Centre / Mixed Use. This zoning objective seeks:

‘To include the use of land within villages to which no specific preferred land use is being assigned. Within this zoning, therefore appropriate development proposals for any type of land use is open to consideration, subject to site suitability’.

5.6.8. Offaly County Council designated Geashill as an Architectural Conservation Area and prepared a specific ACA document for the village as part of the Offaly County Development Plan 2014-2020. The ACA centres around the Green at the crossroads in the village and extends a short distance out each of the roads. The site lies in an area which includes a number of protected structures and structures listed on the NIAH. The following are considered relevant:

- Hamiltons Pub is a protected structure, RPS ref 35-06 and is included in the NIAH, ref 14814006.

**Description:** Detached corner-sited three-bay two-storey house, built c.1900, with pub inserted to ground floor and extension to east. Fronts onto street. Pitched slate roof with ruled-and-lined rendered chimneystack, stone ridge tiles and oversailing eaves. Brick walls with tooled limestone quoins. West elevation shows evidence of alterations.

Timber casement windows with painted sills and stucco surrounds. Replacement timber doors with limestone jambs. Rear site bounded by random coursed wall. Rendered and brick outbuildings to rear with pitched slate and corrugated-iron roofs.

**Appraisal:** Located at a corner site on the main junction in Geashill, this building occupies a central position. It has a commanding presence accentuated by the fact that it stands alone. The combination of yellow brick, tooled limestone and stucco window dressings creates an aesthetically pleasing vista for the approaches leading to this picturesque village.

- The Rev. Thomas H. Burbage Monument lies at the south east corner of the subject site, and is included in the NIAH, ref 14814016.

**Description:** Freestanding carved limestone Celtic Revival high cross, erected c.1935, on carved stone base with inscription and bust. Irish and English language inscription reads; ' In Memory of Very Rev. Thomas H. Burbage PP, Priest and Patriot Curate in Geashill, 1916-1924, RIP, Erected in Recognition of his Active Participation in the Fight for Freedom '. Set behind wrought-iron railings on footpath.

**Appraisal:** This stone high cross was erected in memory of Rev. Thomas H. Burbage. With intricate carved detail and embosses, this monument is an important contributor to Geashill's streetscape. Prominently located to the north side of The Green, the open space allows for a complete appreciation of this historic feature.

5.6.9. Section 5.0 of the Geashill Architectural Conservation Area document deals with New Development. The CDP requires that new development should be so designed as not to constitute a visually obtrusive or dominant form of development. The PA will have regard to the effect of the following criteria and the impact of any development on the immediate surroundings of the site, the broader streetscape or its landscape setting:

- a) The height, scale and orientation of the proposed development.
- b) The bulk, massing and density of the proposed development and its layout in relation to any building line and the surrounding plan form.
- c) The quality and type of materials to be used in the construction of the development; any boundary treatments and landscaping.
- d) The design and detail of the proposed development.

- e) The retention of the traditional plot boundaries of the village.
- f) The retention and maintenance of historic street furniture, surfaces and boundary treatments.

In addition to the above, the ACA document provides that the PA will seek to retain mature trees, those in good condition, which contribute to the character of the ACA where appropriate.

### 5.7. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the River Barrow and River Nore SAC (Site Code: 002162) which is located approximately 8.7km to the south of the site. Raheenmore Bog SAC (& pNHA)(Site Code 000582) lies approximately 10.7km to the north of the site. In addition to the above, the following sites are within 15km of the site:

- The Charleville Wood SAC (& pNHA)(Site Code 000571) lies approximately 13km to the west of the site.
- The Slieve Bloom Mountains SAC (& pNHA) (Site Code 000412, and the Slieve Bloom Mountains SPA (Site Code: 004160) are located approximately 13km to the south west of the site.
- The Daingean Bog NHA, (Site Code 002033), and the Grand Canal pNHA are located approximately 4.5km and 5.6km to the north of the site.
- The Raheen Lough pNHA, (Site Code 000917), is located approximately 2.5km to the south of the site.
- The Hawkswood Bog NHA (Site Code 002355) and Clonad Wood pNHA (Site Code 000574) lie approximately 10.8km to the west of the site while the Screggan Bog NHA (Site Code 000921) and Pallas Lough pNHA (Site Code 000916) lie approximately 14.3km to the west of the site.

### 5.8. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment

arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

This is a First Party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The main purpose for submitting an application for outline planning permission is to establish the number of housing units allowed on the site.
- The reasons for refusal are not valid for outline permission stage and should be considered at approval stage.
- The design and architectural treatment will be addressed in any application for approval and will be entrusted to an appropriate architect.
- In terms of density, the permission in 2003 (PA ref 03/146 refers) allowed a density of 47 housing units per hectare. The current proposal is for a density of 35 per hectare and is appropriate for the site in the core of the village of Geashill.
- Reasons for refusal nos 3, 4, 5 and 6 deal with layout and design which should be a matter for approval stage.
- No other Council Departments raised insurmountable or major concerns and the Department of Culture, Heritage and Gaeltacht did not object to the development. A report on the listed building 'Hamiltons Pub' was commissioned and funded by the appellant as part of the previous application.
- The third-party submission from the neighbouring house to the east relate to overlooking and loss of light. These matters can be dealt with in conditions and in final design approval.
- There are no major reasons which have emerged in the past 15 years which would require a change of decision to grant permission.

- The development of the important infill / backlands site can progress to detailed design stage for up to 6 units with confidence with a grant of outline permission.

It is requested that outline permission be granted.

## 6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first party appeal advising requesting that the Board upholds its decision to refuse permission.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with the County Development Plan
2. Heritage Impacts
3. Visual Impacts
4. Roads & Traffic
5. Water Services
6. Other Issues
7. Appropriate Assessment



## **7.1. Principle of the development**

7.1.1. The proposed development seeks to develop 6 residential units on the site, which covers an area of 0.17ha. The subject site is located within the village core area of Geashill, Co. Offaly. Geashill is identified as a Tier 5 – Village in terms of the Settlement Hierarchy in the Offaly County Development Plan 2014-2020 and the subject site is zoned Village Centre Mixed Use. Residential use is identified as an acceptable use under this zoning. The Plan states that ‘development in village areas must strike a balance in meeting the needs and demands of the village or its rural hinterland and be sensitive and responsive to the existing prevailing patterns, scale, density and design of the village.’

7.1.2. In principle, I have no objection to the proposed development. Site specific issues however, including the potential impacts of the development on protected structures, buildings listed on the National Inventory of Architectural Heritage (NIAH) and adjacent Recorded Monuments, require to be addressed and considered further.

## **7.2. Heritage Impacts**

7.2.1. As this is an application for outline planning permission, full details of the proposal have not been submitted. Indeed, the primary issues raised by the appellant relate to the fact that the reasons for refusal relate to issues which should be addressed at Permission Consequent stage. The appellant states that the purpose of the application for outline planning permission was in order to establish the number of housing units which may be accommodated on the site. It is considered that the decision to refuse outline permission is for ‘detailed design’ reasons and this should not be applied to a proposal which has been designed to outline application level only.

7.2.2. I have considered the planning history of the site and note that the proposed site layout presented reflects that previously permitted on the site. The depth of the proposed houses however, appear to be greater than those previously permitted while the depth of the rear gardens proposed are significantly smaller. I also note that the proposals to redevelop the out-buildings on the site have been omitted as part of this current proposal.

7.2.3. While in principle I would concur with the appellant, the context of the subject site, and the specific policy objectives of the CDP and Geashill Architectural Conservation Area documents, all of which were prepared after the previous application for development on the site was permitted, in my opinion, have an impact. While I acknowledge that the subject application seeks to establish the principle of development on the site, regard must be had to the policies and objectives relevant to the site.

7.2.4. Chapter 7 of the CDP is relevant in that it deals with Heritage and Landscape. Section 7.18 deals with Built Heritage while sections 7.19 and 7.20 deals with Architectural and Archaeological Heritage Policies and Objectives. The following policies and objectives are considered relevant in relation to the subject appeal:

**Policy AAHP-03:** It is Council policy to ensure that new build adjoining, and extensions to, vernacular buildings are of an appropriate design and do not detract from the building's character.

**Policy AAHP-22:** It is Council policy to require that all development proposals within an ACA should be appropriate to the character of the area, inclusive of its general scale and materials, and are appropriately sited and sensitively designed having regard to the advice given in the Statements of Character for each area.

**Objective AAHO-08:** It is an objective of the Council to ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and that the design is appropriate in terms of scale, height, plot density, layout, materials and finishes.

7.2.5. In addition to the above, Offaly County Council designated Geashill as an Architectural Conservation Area and prepared a specific ACA document for the village as part of the Offaly County Development Plan 2014-2020. The ACA centres around the Green at the crossroads in the village and extends a short distance out each of the roads. The site lies in an area which includes a number of protected structures and structures listed on the NIAH, including the following two structures which lie immediately adjacent to the subject site:

- Hamiltons Pub is a protected structure, RPS ref 35-06 and is included in the NIAH, ref 14814006. The NIAH appraisal states as follows:

Located at a corner site on the main junction in Geashill, this building occupies a central position. It has a commanding presence accentuated by the fact that it stands alone. The combination of yellow brick, tooled limestone and stucco window dressings creates an aesthetically pleasing vista for the approaches leading to this picturesque village.

- The Rev. Thomas H. Burbage Monument lies at the south east corner of the subject site, and is included in the NIAH, ref 14814016. The NIAH appraisal states as follows:

This stone high cross was erected in memory of Rev. Thomas H. Burbage. With intricate carved detail and embosses, this monument is an important contributor to Geashill's streetscape. Prominently located to the north side of The Green, the open space allows for a complete appreciation of this historic feature.

7.2.6. Section 5.0 of the Geashill Architectural Conservation Area document deals with New Development and the CDP requires that new development should be so designed as not to constitute a visually obtrusive or dominant form of development. The plan sets out a number of criteria to be considered when assessing the impact of any development on the immediate surroundings of the site and the broader streetscape or its landscape setting. Such criteria relate to the height, scale and orientation, bulk, massing and density, quality and type of materials to be used, the design and detail, retention of traditional plot boundaries of the village and the retention and maintenance of historic street furniture, surfaces and boundary treatments. The Geashill ACA document also provides that the PA will seek to retain mature trees, those in good condition, which contribute to the character of the ACA where appropriate.

7.2.7. As the subject site is located within a designated ACA, immediately adjacent to a number of protected structures and recorded monuments, the closest lying approximately 75m to the east, Church and Graveyard, the '*Architectural Heritage Protection, Guidelines for Planning Authorities*' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

7.2.8. Section 3.7 of the Guidelines deal with Development Control in ACAs while Section 3.10 deals with Criteria for Assessing Proposals within an Architectural Conservation Areas, noting that

When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design.

This section further states that:

The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character. In certain circumstances, it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area.

7.2.9. Chapter 6 of the Guidelines deals with Development Control and Section 6.8.19 states that outline planning permission cannot be granted for works to a protected structure or proposed protected structure. While I acknowledge that the proposed development does not directly relate to works to a protected structure, given the context of the site within the Geashill ACA and the proximity of two protected structures, I have concerns regarding the outline application.

7.2.10. In addition, Chapter 13 of the Guidelines deal with Curtilage and Attendant Grounds, Section 13.5 relates to Development within the Curtilage of a Protected Structure which advises that 'proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority as inappropriate development will be detrimental to the character of the structure'. The guidelines provide that the relationship between the protected structure and the

street should not be damaged and new works should not adversely impact on views of the principle elevations of the protected structure.

7.2.11. Section 13.7 of the Guidelines relate to Development within the Attendant Grounds and advises when dealing with applications for works within the attendant grounds of a protected structure, the planning authority should consider a number of criteria including would the development affect the character of the protected structure, would the protected structure remain the focus of its setting and what effect would the scale, height, massing, alignment or materials of a proposed construction have on the protected structure and its attendant grounds, amongst others.

7.2.12. Section 13.8 of the Guidelines also relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area. I consider that Section 13.8 of the Guidelines is relevant including the following:

- Section 13.8.2 as it relates to new development both adjacent to, and at a distance from, a protected structure which can affect its character and special interest and impact on it in a variety of ways, and
- Section 13.8.3 and the extent of the potential impact of proposals which will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA.

7.2.13. While I acknowledge that the subject appeal relates to an outline planning permission application, in the context of the subject site, and having regard to the planning history associated with the site, I have real concerns that the proposed development, if permitted without the benefit of any great details, will significantly impact upon the character of the ACA and protected structures in the vicinity of the site. The proposed terrace of four houses fronting onto the R420 will represent a significant introduction into this streetscape, between two protected structures whose existing context and siting are listed in the NIAH appraisal as being important in creating 'an aesthetically pleasing vista for the approaches leading to this picturesque village' (Hamiltons Pub) and 'the open space allows for a complete appreciation of this historic feature' (The Rev. Thomas H. Burbage Monument).

7.2.14. I would also acknowledge the report from the Senior Executive Architect who advises that the proposals for the site should include spacious units with generous green areas that are designed to respect and complement the historical heart of the village. I am therefore satisfied that in the absence of any real detail, I cannot conclude that the development would not have a significant and adverse effect on the character and setting of both protected structures adjacent to the site and as well as the Architectural Conservation Area, and would therefore be contrary to the thrust of the Architectural Heritage Protection Guidelines.

7.2.15. With regard to archaeology, the Board will note the submission of the Department of Culture, Heritage and Gaeltacht in terms of the archaeological potential of the site. The Department notes the scale of the development and the location in the vicinity of a number of Recorded Monuments, all of which are subject to a statutory protection in the Recorded Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930 – 2004. These RMs include:

- Recorded Monument OF026-004--- Ecclesiastical Remains
- Recorded Monument OF026-00401- Church Site
- Recorded Monument OF026-00402- Graveyard
- Recorded Monument OF026-00403- Grave Slab (S)

7.2.16. No Archaeological Assessment of the development in the context of the recorded monuments, has been submitted. Given the size and location of the development, the archaeological resource potential of the site may reasonably be considered high. The Department recommends that pre-development testing, as described in the report, be carried out at the site and be included as a condition of a grant of planning permission. I consider this reasonable.

### 7.3. Visual Impacts

7.3.1. In the absence of any details of proposed design of the houses, I am unable to assess the visual impacts associated with the proposed development of this site. I have examined the planning history associated with the site and would note that the current Offaly County Development Plan, the Geashill Architectural Conservation

Area and indeed, the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011) were all prepared after the previous decision. Any development of the subject site is required to be considered against these policy documents and guidelines.

#### **7.4. Roads & Traffic**

7.4.1. In terms of roads issues, the Board will note that the outline site layout submitted indicates that access to the site will be solely from the west. car parking for all houses will be located to the rear of Hamiltons Pub, with pedestrian access to the rear of the houses fronting onto the Green from the parking area. The two houses located to the rear of the terrace of 4 will also be accessed from the proposed car park. While I note that the Road Design Section of Offaly County Council requested that further information be sought in relation to sight distances, I am generally satisfied that the proposal is acceptable from a roads and traffic view point.

#### **7.5. Water Services**

7.5.1. The development proposes to connect to public services in the village. Irish Water have not commented on this proposal, but I note that no objections were raised from the Environment and Water Services Section of Offaly County Council. Should the Board be minded to grant permission, a condition in relation to water services should be included.

7.5.2. An issue was raised in relation to a potential flooding event in the vicinity of the subject site however, no evidence that the site is or was ever subject to flooding is noted. The site does not lie within any identified flood zone and the appellant advises that the site has never flooded.

7.5.3. I am satisfied that the proposed development is acceptable in terms of water services.

#### **7.6. Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

#### 7.6.1. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the River Barrow and River Nore SAC (Site Code: 002162) which is located approximately 8.7km to the south of the site. Raheenmore Bog SAC (& pNHA)(Site Code 000582) lies approximately 10.7km to the north of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

### 8.0 **Recommendation**

I recommend that planning permission be refused for the proposed development for the following stated reason.



## 9.0 Reasons and Considerations

1. Notwithstanding the application for Outline Planning permission, having regard to the existing character and the prevailing pattern of development in the area, the prominent location of the site within the Geashill Architectural Conservation Area, the presence of a number of Protected Structures both on and adjacent to the site as listed in the Offaly County Development Plan, 2014, and to the structures recorded by the National Inventory of Architectural Heritage as having Regional Value supported by Architectural, Artistic and Historical categories of special interest, it is considered that the proposed development, by reason of the proposed layout and density, and the lack of any clear detail in terms of its overall form, scale, height, massing, layout and design, together with the proposal to remove existing street furniture and trees in order to accommodate the development fronting onto The Green, the Board is not satisfied that the development would not be out of scale with its surroundings, would, if permitted, seriously detract from the architectural character and setting of a number of Protected Structures, would materially affect the character of the Architectural Conservation Area, would be detrimental to the visual amenities of the area, and would set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

A. Considine  
Inspectorate  
05/06/2020