



An
Bord
Pleanála

Inspector's Report ABP 308445-20

Development	Retention of alterations to dwelling, including provision of glazing to porch (P.A. Ref. 98/2581), new garden boundary wall and access gate (Protected Structure).
Location	Main Street, Waterville, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/698
Applicant	Denis Kearney
Type of Application	Permission
Planning Authority Decision	Split decision
Type of Appeal	First Party v. Refusal of adaptation to porch
Appellants	Denis Kearney
Observers	None
Date of Site Inspection	8 th June 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.1. The site is located within an established terrace of 2-storey houses on the seafront in Waterville. The six houses in the terrace of are protected structures dating from the 1890s. They are in a prominent location on the N70 (Ring of Kerry) overlooking the beach in the centre of Waterville. The terraced houses are of a traditional and relatively simple design with rendered painted walls and pitched roofs of slate. The front elevation of the individual houses comprises a window on either side of a centrally located entrance door with three windows at first floor level. The houses are set back from the public footpath and the front gardens are bounded by smooth-rendered masonry walls which are painted. The properties have been altered over the years including amendments to windows and window openings, addition of porches and alterations to boundary walls.
- 1.1.2. The site comprises a mid-terrace property which has been extended to the front. It is noted from the file that it had been altered in 1998 with new window openings, velux windows in the front roof slope and a front porch was added, and the front boundary walls had been removed and replaced with stone plinths. The site area is given as 0.07ha. The house has recently been renovated and the front porch that had been added in 1998 was partially removed and reconstructed with a new more contemporary design. The façade has been repainted, the roof appears to have been reclad and the windows on the front façade have been replaced with modern Aluclad windows with a dark grey colour. The porch (c.4.25m²) retains the lower portion of the front and side wall but is otherwise glazed with dark grey aluminium frames. The roof of the porch is of zinc. The front boundary walls have been reconstructed and have been rendered and painted to match the house.

2.0 Proposed Development

- 2.1.1. The proposed development seeks permission to **retain alterations and extensions** to the dwelling house which may be summarised as follows:
- **Adaptation of entrance porch to glazed porch** – these works involve the partial demolition of the front porch and install new windows and replace A-frame pitched roof with zinc seam monopitched roof on front façade.

- **Renovations to dwelling** – these works mainly consisted of replacement of windows on front façade and recladding of roof.
- **Garden walls and new access arrangement** – this involved the replacement of the stone plinth walls in front garden with new masonry stone walls bounding front garden to south, west and east, and the rendering and painting of the walls. The previous access arrangements (gaps in the plinth walls) were replaced with a new vehicular gate.

3.0 Planning Authority Decision

3.1. Decision – split decision

- 3.1.1. The P.A. decided to **grant** planning permission for retention of the improvement works to the dwelling including the garden boundary walls and new access gate arrangement subject to 1 standard condition, and to **refuse** permission for the retention of adaptation of the entrance porch to a glazed porch for one reason as follows: -

The existing building is one of a terrace of six three-bay two-storey houses protected for Architectural and Social reasons in the Kerry County Development Plan 2015-2021. It is considered that the retention of the proposed porch would impact negatively on the architectural character of the terrace and would affect the visual amenities of the protected structures, would contravene objectives H38 and H39 of the Kerry County Development Plan 2015-2021 and would, therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report noted that a similar proposal for retention of the alterations to the porch had previously been refused. The report of the Conservation Officer was noted and the objectives of the County Development Plan H-38 and H-39 which seek to protect the special interests of the protected structures in the county. The proposal was screened out for EIA and AA.

A **grant of permission** subject to conditions was recommended for the alterations and improvements to the dwelling and curtilage but refusal of permission for the retention of the porch was recommended.

3.3. **Other Technical Reports**

- 3.3.1. **County Archaeologist** – No recorded monuments and site has previously been disturbed. No mitigation required.
- 3.3.2. **Conservation officer** – Notwithstanding the previous alterations to the houses in the terrace of six Protected Structures, the C.O. had concerns regarding the continual erosion of the architectural fabric and considered that the alterations to the porch was out of character with the protected structure. It was considered that the proposals relating to the porch would negatively impact on the architectural character of the protected structure and would undermine the stated objectives (H38 and H39) in the CDP. Refusal was recommended for this element of the proposal.
- 3.3.3. **Biodiversity officer** – It was noted that the site is located adjacent to the Ballinskelligs Bay and Inny Estuary cSAC at Waterville. However, it was considered that due to the nature and scale of the works, that the proposed development would not have any significant effects on a European site.

3.4. **Prescribed Bodies**

- 3.4.1. TII – no observations to make.

3.5. **Third Party Observations**

None received.

4.0 **Planning History**

4.1.1. **Appeal site**

P.A. Ref. 18/1109 – Retention permission for remodelled porch first granted under 98/2581 was **refused** on the grounds of adverse impact on the character and visual amenity of the protected terrace and contravention of H38 and H39 of the CDP.

PL08.215466 (P.A. Ref. 05/3451) – permission **granted** by Board following third party appeal to demolish part of dwelling and to construct a rear extension (June 2006).

P.A. Ref. 98/2581 – permission granted to erect porch and new boundary wall.

4.1.2. **Adjacent sites**

P.A. Ref. 15.1102 – permission granted for replacement of two individual bay windows with two bay windows and extension to hall porch at No. 4 (two properties to south).

5.0 **Policy Context**

5.1. **National Planning Framework 2018**

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages. The scale should be in proportion to the pattern and grain of existing development.

5.3. **Architectural Heritage Protection Guidelines 2004**

These guidelines provide advice regarding appropriate alterations and extensions to protected structures. Chapter 6 provides Development Control Advice including extensions to protected structures (6.8). The Conservation Principles contained in Chapter 7 include Protecting the Special Interest; Promoting Minimum Intervention; Respecting Earlier Alterations; Use of Appropriate Materials and Methods; Ensuring

Reversibility of Alterations; and Avoiding Incremental Damage. Chapter 13 provides advice regarding development within the curtilage or attendant grounds of a Protected Structure, which should not damage important views to/from the P.S.

5.4. **Kerry County Development Plan 2014**

Chapter 11 – Built Heritage – sets out the policies and objectives relating to built heritage including **Section 11.4.4 – Built Heritage - Urban Areas**

It is noted that new buildings, using modern building techniques, can easily dominate or spoil urban settings by the large dimensions of the building or by out of scale components such as large, glazed openings. Changes to existing buildings by insertion of out-of-scale components and use of non-traditional materials can have an adverse impact on the particular building and its setting.

H-38 – Ensure that any development, modification, alteration or extension affecting a protected structure and/or its setting: -

- Is appropriate in terms of the proposed materials, scale, density and layout.
- Addresses the issue of reversibility.
- Respects the original design plan and form.
- Demonstrates an understanding of the historical importance of the building and its setting and does not detract from the special character/interest of the protected structure.
- Deal sensitively with historically important features and fittings.
- Takes account of any protected species that might utilise the structure and accordingly mitigate any impacts on the species.

H-39 – Ensure that the special interest of a protected structure is not gradually eroded by minor alterations.

H-44 – Ensure a balanced approach to maintenance and development of the architectural heritage, having regard to both the qualities of the given architectural context and the modern requirements to safety, comfort and usage, thus facilitating continuity of the use of the architectural heritage in a sustainable manner.

5.5. West Iveragh Local Area Plan 2019 – 2025

The site is zoned as M4 Built Up Area, which is a Mixed Use (Town Centre/Village Centre) Area.

Protected Structures – The Record of Protected Structures includes 6 houses – RPS-098-003-A to RPS-098-003-F.

5.6. Natural Heritage Designations

The site is within 15km of six European Sites. Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335) is located immediately adjacent to the west and Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (Site Code 000365) is located nearby at c.350m to east. The remainder of the sites are located at a further distance with Iveragh Peninsula SPA (Site code 004154), and Kenmare River SAC (Site code 002158) located approx. 5-7km to the south. Deenish Island & Scarriff Island SPA (Site Code 004175) is located approx. 9km to southwest and Valentia Harbour and Portmagee Channel SAC (Site code 002262) is c.12km to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

A First-Party Appeal has been received against the decision to refuse permission for the retention of the changes to the entrance porch. The submission was made by an agent – albert Walsh – acting on behalf of the applicant and included a letter from the applicant as well as letters of support from neighbouring residents and businesses. The grounds of appeal can be summarised as follows:

- **Background** – the house belonged to the applicant's mother. When she died it fell into disrepair and remained vacant for many years. The applicant and his family have now moved back from abroad and are living in the house. The front of the house faces the prevailing winds over the Atlantic and a porch is required to protect the entrance from the weather. The applicant was unaware

of the need for planning permission to remodel the porch and did not realise that it was a listed building. He now wishes to regularise the situation.

- **Significant improvement on earlier porch** – The 1998 porch was not traditional in design and was poorly constructed. It also completely blocked views of the main entrance door and did not allow the main building to be seen.
- **Compliance with best conservation practice** – the remodelled porch clearly identifies what is original and what is new, allows the main building to be appreciated from various vantage points, and has been finished with materials that are already in place. The use of zinc does not clash with materials already used and also helps to differentiate the old from the new. It is submitted that the proposal is therefore in line with best conservation practice.
- **Historical significance and integrity of PS** – the removal of the porch would be counter-productive and the installation of a porch to match that granted in 1998 would be detrimental to the character of the PS. Porches on these buildings are not traditional.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Impact on Protected Structure
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Impact on Protected Structure

- 7.1.1. The Architectural Heritage Protection Guidelines (2004) state that it will often be necessary to permit appropriate alterations and extensions to protected structures in order to make them fit for modern living and to keep them in viable economic use. However, the main conservation principles are to promote minimum intervention and

to protect the historic character, special interest and integrity of the P.S. This requires that interventions, such as extensions and alterations, are low key and do not adversely affect the historic features of the P.S. (such as walls, windows etc.). It is further required that any intervention would indicate respect for the historical importance, integrity and special character of the protected structure.

- 7.1.2. The appeal site forms part of a short terrace of protected structures which are prominently located on the seafront at Waterville. The special interest and historic significance of the terrace relates to the group value as much as to the individual buildings that make up the terrace. The uniformity of the terrace in terms of the scale and proportionality of the front elevations and use of traditional materials provides a level of cohesion and simplicity which makes a significant and positive contribution to the streetscape and to its historical relevance. It is noted from the file, however, that the individual buildings within the terrace, including the appeal site, have undergone a considerable degree of alteration to date, which mainly involved the addition of porches, new fenestration and revisions to boundary walls.
- 7.1.3. Prior to the recent works for which permission for retention is sought, the appeal site had fallen into a state of dereliction and disrepair and had been vacant for some years. Thus, the development proposed to be retained has brought the dwelling house back into habitable use and has modernised it. This is generally in accordance with the guidance in the Architectural Heritage Protection Guidelines and with the CDP (H44) on the basis that it is better that a protected structure is in use and being maintained than to lie derelict and vacant. However, the interventions must be appropriate in terms of being minimal, reversible, use appropriate materials and respect the historic character and integrity of the protected structure.
- 7.1.4. The planning authority has raised no objection to the renovations and alterations to roof, windows and walls, but is opposed to the retention of the porch as constructed. It is considered that the alteration to the fenestration pattern has altered the character of the PS further by introducing a contemporary approach. However, it is accepted that these alterations are reversible and that the size and shape of the openings have generally been retained. Furthermore, the reinstatement of the masonry boundary walls to match those on the remainder of the terrace positively contributes to the character of the streetscape and of the Protected terrace.

- 7.1.5. The applicant claims that the new porch is more appropriate than the previous porch (1998), which was not considered to be traditional and obstructed views of the main elevation. In contrast, the new porch utilises materials that were already in place apart from the zinc, differentiates the old from the new and allows views through the structure to the main elevation of the building. The P.A. Conservation Officer acknowledged that there has been much alteration of the terrace of listed buildings but expressed concern about the gradual erosion of the architectural fabric and visual amenity of the terrace. Particular concern was raised regarding both the design of the porch with its overly horizontal emphasis and the use of zinc cladding with a heavy seam of zinc. It was considered that these factors result in a feature which overly dominates the simplicity and rhythm of the terrace and alters the solid to void ratio.
- 7.1.6. Although the terrace has been altered considerably in the past, the fact remains that the buildings are Protected Structures. This means that where possible, inappropriate past alterations should ideally be reversed and that the prevention of any further erosion of the fabric and character of the buildings becomes even more pertinent. I would agree that the previous porch extended the building and broke the front building line which was not a particularly appropriate intervention to the listed building. I note that this alteration was carried out before the Architectural Heritage Protection guidelines were issued in 2004.
- 7.1.7. I would also accept that the current proposal retains the same footprint and that the use of large glazing elements provides for a more transparent and lighter-weight structure, which facilitates views through it to the main elevation, and enables identification of the new element. However, I believe that the introduction of the heavy feature of the mono-pitched roof of dark grey zinc seam significantly alters the character of the building to a more contemporary design, which is accentuated by the other renovations with modern new fenestration and roof cladding. It also introduces a visually dominant feature in the terrace and is a discordant feature which detracts significantly from the simplicity of the traditional terrace. This robust horizontal emphasis creates a visually obtrusive element on the main elevation of the PS when viewed from the front and from either side, which draws attention to the porch roof and disrupts the rhythm of the terrace. The proposal does not therefore comply with Objectives H-38 and H-39 of the CDP or with the Architectural Heritage

Protection guidelines which seek ensure that such extensions are low key, respectful of the historical importance of the building, use appropriate materials and do not adversely affect the special interest of the P.S.

7.1.8. In conclusion, it is considered that the entrance porch which it is proposed to retain, by reason of its scale, design and use of materials would be unduly obtrusive and would adversely affect the historic character, special interest and integrity of the P.S. and should be refused. However, it is considered that the remainder of the alterations to the building and to the boundary walls are considered to be appropriate and should be granted.

7.2. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Waterville village on serviced lands, 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.

7.3. Appropriate Assessment

7.3.1. The site is located within 15km of five European sites, as follows

- Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335) - located immediately adjacent to the west.
- Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment SAC (Site Code 000365) – c.350m to south- east/east
- Iveragh Peninsula SPA (Site code 004154), c.5km to south Kenmare River SAC (Site code 002158) - c.7km to south.
- Deenish Island & Scarriff Island SPA (Site Code 004175) - c. 9km to southwest.
- Valencia Harbour and Portmagee Channel SAC (Site code 002262) c. 12km to the northwest.

7.3.2. Ballinskelligs Bay and Inny Estuary SAC is located immediately to the west on the other side of the N70 (Ring of Kerry). There are no known hydrological links to the

protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on brownfield and serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

Having regard to the foregoing I recommend that

- (a) permission for the retention of the alterations to the roof and front façade including the installation of new windows and the reinstatement of the garden boundary walls with new access arrangement as described above should be **granted** for the following reasons and considerations and
- (b) permission for the retention of the alterations to mid-terrace dwelling comprising adaptation of the entrance porch to glazed porch should be **refused** for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Kerry County Development Plan 2015-2021, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development comprising the retention of the carrying out of alterations to the roof and front façade of the existing dwelling including the installation of new windows and the reinstatement of the garden boundary walls with new access arrangement would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

11.0 Reasons and considerations

1. The existing building forms part of a terrace of six houses which are protected for Architectural and Social reasons in the Kerry County Development Plan 2015-2021. Having regard to the mid-terrace location of the building, to the character and protected status of the terrace, to the inappropriate use of materials and to the excessive scale and uncharacteristic design of the zinc roof of the alterations to the entrance porch that are proposed to be retained, it is considered that the proposed development would result in an overly dominant and visually obtrusive feature which would seriously detract from the architectural and historic character of the protected structure and of the protected terrace of which it forms an integral part. The proposed development would, therefore, materially and adversely affect the character of the protected structure, would seriously injure the visual amenities of the area, would contravene objectives H38 and H39 of the Kerry County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

11th June, 2021