



An  
Bord  
Pleanála

## Inspector's Report ABP-308974-20

### Development

Planning permission is sought for the change of use of a guesthouse to 8 no. apartment units at Kincora House, a 'Protected Structure'.

\*Significant Further Information received\*.

### Location

'Kincora House', No. 1 & 2 Seatown Place, Dundalk, Co. Louth.

### Planning Authority

Louth County Council.

### Planning Authority Reg. Ref.

19984.

### Applicant(s)

KJR Holdings.

### Type of Application

Planning Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party.

### Appellant(s)

Orla Keegan.

### Observer(s)

None.

### Date of Site Inspection

24<sup>th</sup> day of February and 24<sup>th</sup> day of March, 2021.

### Inspector

P.M. Young.

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## 1.0 Site Location and Description

- 1.1. 'Kincora House' which is the given name for No.s 1 and 2 Seatown Place, has a stated 0.067ha site area. It is comprised of two over basement 3-storey attractive Georgian period terraced properties that date back to c1830s that address the southern side of Seatown Place, situated c0.6km to the east of Clanbrassil Street, Dundalk's principal street, as the bird would fly, in County Louth.
- 1.2. The northern boundary of the site which is comprised of the principal frontage of No.s 1 and 2 Seatown Place sits on the south eastern side of the T-junction where Jocelyn Street and Seatown Place join and intersect with Castle Road. This street frontage is also situated c75m to the east of Jocelyn Street's T-junction with Jocelyn Drive and c318m to the west of Seatown Place's junction with Saint Alphonsus Road. In addition, the subject site is within c0.7km of the Bus Eireann depot and c1.3km of Clarke Train Station, both as the bird would fly.
- 1.3. At some point in the past No.s 1 and 2 Seatown Place were amalgamated to function collectively as a guesthouse. At the time of inspection both buildings were not in use; appeared unkempt and were in a poor state of repair.
- 1.4. Access to the rear of the site is via a shared arch and to the rear it is apparent that the original building envelope has been extended but its original interior layout is largely intact with many original period built features still evident. In addition to the rear there are a number of ancillary structures present including a later external fire escape to the rear of No. 1 Seatown Place. The space to the rear of No. 1 and 2 Seatown Place also includes a mixture of grass, a parking area, and an outbuilding to the rear. The documentation submitted on file indicates that a 300mm combined sewer runs in a west to east direction through the car parking area to the rear with the car parking area also discharging into this sewer.
- 1.5. No. 1 and No. 2 Seatown Place are afforded protection as Protected Structures (RPS Register No. D293 and D294, respectively), and form part of a larger urbanscape that is a designated Architectural Conservation, under the current Development Plan (Note: Dundalk ACA No. 5 – Jocelyn Street/Seatown Place).
- 1.6. No.s 1 & 2 Seatown Place are also listed in the NIAH register (Note: NIAH Reg. No. 13705065 and 13705064, respectively).

- 1.7. In relation to No. 1 Seatown Place, the NIAH give it a 'Regional' rating and sets out its categories of special interest as: 'architectural, artistic, historical'. It also provides the following detailed description of this historic building:

*"Terraced three-bay three-storey over basement house, built c. 1840. Pitched artificial slate roof, ridge tiles, red brick corbelled chimneystack, cast-iron gutters on smooth rendered corbelled eaves course, circular downpipe, ornamental hopper. Corbelled red brick chimneystack. Painted smooth rendered ruled-and-lined walling, projecting chamfered plinth. Square-headed window openings, painted stone sills, painted timber two-over-two sliding sash windows, timber casement windows to second floor. Round-headed door opening, painted timber engaged Doric columns on stone plinths supporting plain frieze and denticulated cornice, painted six-panel timber door, plain-glazed fanlight, accessed by two stone steps. Set back from street behind basement area, painted wrought- and cast-iron railings with integral boot scraper on painted stone plinth to north site."*

- 1.8. In addition, it provides the following appraisal for No. 1 Seatown Place:

*"This finely proportioned building forms part of a terrace of similar properties located on this important street in Dundalk. The fenestration pattern and scale of the building is in keeping with its surroundings and it is enhanced by the quality craftsmanship of the timber sliding sash windows, doorcase and boundary railings. It is associated with Sir Francis Leopold McLintock."*

- 1.9. Of further note No. 1 Seatown Place is of historical interest given that it was the birthplace of Arctic Explorer, Sir Francis Leopold, in 1819.

- 1.10. In relation to No. 2 Seatown Place, the NIAH give it a 'Regional' rating and sets out its categories of special interest as: 'architectural, artistic'. It provides the following detailed description for this historic building:

*"Terraced three-bay three-storey over basement house, built c. 1840, now also in commercial use. Pitched artificial slate roof, ridge tiles, unpainted smooth rendered chimneystack with stone coping, cast-iron gutters on smooth rendered corbelled eaves course, circular cast-iron downpipes. Painted smooth rendered ruled-and-lined walling, projecting chamfered plinth. Square-headed window openings, painted stone sills, painted timber six-over-six sliding sash windows, three-over-three to second floor. Round-headed door opening, painted timber engaged Doric columns on stone*

*plinths supporting plain frieze and denticulated cornice, painted timber door with four raised-and-fielded upper panels, timber sheeted repairs to bottom, petal fanlight, accessed by three stone steps. Street fronted.”*

1.11. In addition, it provides the following appraisal for No. 2 Seatown Place:

*“This finely proportioned building forms part of a terrace of similar properties along Seatown Place in Dundalk. The scale and fenestration pattern punctuate the streetscape and contribute to the coherence of the character of the street. The fine timber sliding sash windows, doorcase and decorative fanlight enhances the character of the building.”*

1.12. It also indicates that No. 2 Seatown Place may have tentative historical and social interest given that Canon Blackley, a cleric, and writer, may have resided here.

1.13. No. 1 and 2 Seatown Place form part of wide and attractive period boulevard type streetscape that contains a variety of different land uses, including a secondary school operating on the opposite side of Seatown Place (St. Vincent’s), located in No. 3 immediately to the east is a counselling centre, there are offices and residential premises also present.

1.14. The principal car parking provision for properties in this immediate area appears to be the on-street car parking that aligns with either side of Seatown Place and Jocelyn Streets carriageway. As one journeys in a southerly and easterly direction residential development predominates.

1.15. There is no independent vehicle or other type of access onto the public road network via the side and rear of the site.

1.16. Access in the form of a right of way appears to be in existence via an undercroft located in the terrace group to the east beside No. 5 Seatown Place.

1.17. Historical right of way via the adjoining property to the west, i.e., ‘The Arch’ appears to have been extinguished and as such no longer appears to provide access to the rear of the subject site.

1.18. Photographs taken during the course of inspection of the site are attached to file.

## 2.0 Proposed Development

2.1. Planning permission is sought for the following:

- Change of use of an existing guesthouse building to 6 no. 1-bedroom apartments and 2 no. 2-bedroom apartments including all associated internal and external works together with all site development works.
- The existing guesthouse building comprises of No. 1 and 2 Seatown Place, which are both afforded protection as Protected Structures, RPS Reg. No. D293 & D294, respectively.

2.2. The suite of documents submitted with the initial application to the Planning Authority included a document titled: '*Photographic Survey – Kincora House, No. 1 & 2 Seatown Place Dundalk*'.

2.3. In addition, the Planning Application Form indicates that the proposed development would be served by an existing connection to public water supply and wastewater sewer.

2.4. On the 12<sup>th</sup> day of November, 2020, the applicant submitted **significant further information** to the Planning Authority. This included but is not limited to the following documentation:

- Document titled: '*Kincora House, 1 & 2 Seatown Place, Dundalk, Co. Louth - Planning Application Heritage Impact Assessment*', dated the 29<sup>th</sup> day of July, 2020, prepared by Fergal McGirl Conservation Architect Grade II. This document sets out a number of recommendations and notes that there is a significant level of investment required to maintain these buildings on-going use. It considers that the restoration of the buildings to their original residential use in the form of apartments is positive and is a type of land use that is compatible with these buildings' location within land zoned 'Town Centre Mixed Use' use. It recommends that the conservation works be carried out in accordance with best practice in order to protect the long-term use of the dwelling. It concludes that the works would not have a negative impact on the special interest of the buildings and would allow the sustainable on-going use of these Protected Structures.

- Document titled: '*Kincora House, 1 & 2 Seatown Place, Dundalk, Co. Louth – Method Statement to Repair Work to Elements of Original Fabric*', dated the 29<sup>th</sup> day of July, 2020, and prepared by Fergal McGirl Conservation Architect Grade II.
- Document titled: '*Proposed Change of Use of Building from Guest House to Apartments No. 1 and No. 2 Seatown, Dundalk, Co. Louth – KJR Holdings (Planning Ref: 19984) – Surface Water Drainage Proposals*', prepared by Eamon McMahon, Consulting Engineer.
- Document titled: '*Pre-connection Enquiry Form – Business developments, mixed use developments, housing developments*', Irish Water.
- Documents relating to rights-of way benefitting the subject properties.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Planning permission was **granted** subject to 12 no. conditions. Of note:

Condition No. 4: Requires bicycle parking provision, covered accessible storage and bin storage in accordance with the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities prior to occupation of the apartment units.

Condition No. 5: Deals with the matter of landscaping.

Condition No. 9: Deals with architectural protection.

Condition No. 10: Requires the retention of the original windows as far as possible and where replacement windows are required that these will match that of the original windows in terms of their profiles and glazing details. It also restricts the replacement of original glass with double glazed units.

Condition No. 11: Requires that a suitably qualified conservation expert be employed to manage, monitor, and implement works on site and to ensure adequate protection of historic fabric during works.

Condition No. 12(i): Deals with the matter of drainage.

Condition No. 12(ii): Deals with the matter of damage to the public road/footpath should it arise during construction works.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 1<sup>st</sup> day of December, 2020, is the basis of the Planning Authority's decision and it considered that the applicant has satisfactorily addressed the concerns raised in the further information request. A recommendation to grant planning permission is made, subject to safeguards.

The **initial Planning Officer's report**, dated the 21<sup>st</sup> day of January, 2020, provides an overview of the planning history of the site; sets out relevant planning provisions for consideration; notes submissions received and sets out their assessment of the proposed development under a number of broad headings including but not limited to the principle of the development; built heritage; residential amenity through to procedural matters. The Planning Officer's report included the following comments:

- No heritage impact assess has been provided.
- The applicant should be requested to address the right-of-way concerns.
- Concerns are raised in relation to amenity.
- The project is a conversion and refurbishment project which is provided for under the Sustainable Urban Housing: Design Standards for New Apartments.

This report concludes with a request for further information on the following items:

- |                  |  |
|------------------|--|
| Item No. 1:      | Requires the provision of a Heritage Impact Assessment.  |
| Item No. 2(i):   | Requires the provision of a method statement for all proposed repair works to the original built fabric and reinstatement works.   |
| Item No. 2(ii):  | Requires the provision of contextual drawings of adjoining terraced buildings.   |
| Item No. 2(iii): | Revised details to the extent of works to the original built fabric of Kincora House with the applicant requested to be guided in this regard by best conservation practice. |



- Item No. 2(iv): Raises concerns with regards to the integrity of the archway.
- Item No. 3: Applicant requested to address the concerns raised by the adjoining occupants of No. 3 Seatown Place in relation to the privacy of one of their therapy rooms.
- Item No. 4: Demonstration of compliance with Sustainable Urban Housing Design Standards for New Apartments, 2018, sought.
- Item No. 5: Demonstration of compliance with the open space standards of Dundalk and Environs Development Plan.
- Item No. 6: Demonstration of compliance with Policy WS 10 and WS 11 of the Development Plan sought.
- Item No. 7: Clarification of existing drainage to be utilised and demonstration that discharge to any existing storm sewer be limited to a discharge rate no greater than current rate of discharge from the site.
- Item No. 8: Relates to access and the right of way to accommodate the development.
- Item No. 9: Irish Water pre-connection enquiry sought.

### 3.2.2. Other Technical Reports

**Infrastructure:** The **final Infrastructure Report**, dated the 20<sup>th</sup> day of November, 2020, raises no objection to the proposed development as revised by the further information, subject to safeguards.

The **initial Infrastructure Report**, dated the 9<sup>th</sup> day of January, 2020, concluded with a request for further information. In this regard, the first item requested sought compliance with Policies WS 10 and WS 11 of the Development Plan as it was considered that the applicant had failed to demonstrate compliance with these Development Plan policies. As such a revised surface water proposal was requested. The second item sought full details of all existing drainage infrastructure on site which they propose to utilise and calculations to demonstrate that the discharge to any existing storm sewer shall be limited so that the rate of discharge after construction is not greater than the current rate of discharge from the site. The third item sought

clarification on the right of way and/or written agreement of the landowner for access to accommodate the development in the form of a legal agreement.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection, subject to safeguards.

### 3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application the appellant submitted an objection to the proposed development raising similar issues to that raised by them in their appeal submission to the Board. In addition, a submission was also made by the occupants of No. 3 Seatown Place, which I note is also afforded protection as a Protected Structure (RPS Ref. No. D295). This submission can be summarised as follows:

- Application fails to make a valid application by omitting contextual drawings showing buildings contiguous to it. In addition, inadequate information is provided detailing the fabric and features to be impacted by the proposed development on each of the Protected Structures.
- No assessment prepared by a suitably qualified conservation architect accompanies this application.
- Wayleaves and rights-of-way have not been identified on the site location map.
- Public notices fail to include demolition and no justification for the level of demolition as well as loss of original built fabric has been provided.
- The design resolution chosen shows little attempt to conserve, refurbish and reinstate original features.
- Only apartments No.s 1 and 2 have private open space while the remaining apartment units have a very limited shared semi-private open space to the rear which is also a parking area.
- There are 8 no. surface car parking spaces located to the rear of the site with two positioned in direct proximity to the ground floor window of one of the objector's main therapy rooms with no buffer or boundary provided.

- Access to the car parking area is via a right-of-way which consists of a narrow laneway and is located outside of the application site. No evidence of the applicant having a legal right of way has been provided.
- Concern is raised that the proposed development would affect the amenity and accessibility of their counselling and therapy centre during the construction and operational phases.
- Concern is raised that the development will disrupt and impede the ability of mobility impaired clients to access their services as the only available level access entry is to the rear of the building.
- Concerns are raised in relation to construction nuisances.
- The proposed development would provide a very poor level of amenity for future occupants.
- While there is a presumption in favour of higher densities in town centres these are subject to appropriate qualitative safeguards.
- Reference is made to the Boards reason for refusal for No. 37 Jocelyn Street (Note: ABP Ref. No. 305282-19).
- It is sought that planning permission be refused.

## 4.0 Planning History

### 4.1. Site:

- **ABP Ref. No. PL15.248340 (P.A. Ref. No. 16/206):** On appeal planning permission was **granted** subject to conditions for a development consisting of the change of use of No.s 1 and 2 Seatown Place from a guesthouse to two dwelling houses, extension to the rear and side, the provision of a coffee shop on ground floor together with all associated site works.
- **P.A. Ref. No. 15/230:** Application for development for the following: 1) Demolish two small annexes to the rear of the existing buildings. 2) Change of use for existing buildings from guest house to student accommodation. 3) Construct new 4 storey extension to rear, with part of ground floor used for bicycle and car parking and roof garden all for use as student accommodation. 4) Provide café/reception

(opening hours 8.00am to 11.00pm) area on ground floor of existing buildings primarily for use by students, but also open to public. This application related to No.s 1 and 2 Seatown Place. Application deemed withdrawn.

- **P.A. Ref. No. 01/520266:** Planning permission was **refused** for a development consisting of a change of use from a guest house accommodation at No. 1 Seatown Place and alterations to same to provide bathroom facilities and the taking down of an existing single storey extension and construction of a new 3 storey extension.
- **P.A. Ref. No. 55523796:** Planning permission was **granted** subject to conditions for the change of use of No. 1 from flats to bed and breakfast accommodation and restaurant (Note: Decision made 02/08/1983).
- **P.A. Ref. No. 55524897:** Planning permission **refused** for vehicular entrance to rear of No. 2 Seatown Place.

#### 4.2. In the Vicinity

- **ABP Ref. No. PL15.248340-19 (P.A. Ref. No. 16/206):** On appeal to the Board planning permission was **refused** for the change of use from office use to residential use with 4 no. residential units together with all associated site works at No. 37 Jocelyn Street, a Protected Structure.
- **ABP Ref. No. PL248781 (P.A. Ref. No. 17/295):** On appeal to the Board planning permission was **granted** for the change of use from office use to residential use with 4 no. residential units together with all associated site works at No. 2 Jocelyn Place, a Protected Structure.

## 5.0 Policy & Context

### 5.1. National Planning Provisions

- Project Ireland 2040, National Planning Framework, (2018).
- Sustainable Urban Housing: Design Standards for New Apartments, (2018).
- Sustainable Residential Development in Urban Areas, (2009).
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities, (2007).

- Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.

## 5.2. Regional

### 5.2.1. Eastern & Midland Regional Assembly, Spatial & Economic Strategy, 2019 to 2031.

The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – National Planning Framework & National Development Plan 2019 to 2027 and the economic policies of the Government by providing a long-term strategic planning and economic framework for the development of the region.

The appeal site is located in Dundalk which the RSES identifies as a 'Regional Growth Centre' in a Gateway Region situated on the Dublin – Belfast Economic Corridor. It sets out a vision for it to reach a target population of 50,000 by 2031 and consolidation as well as densification of residential development within its settlement boundaries is advocated.

In relation to built heritage it recognises that this is a non-renewable resource that contributes to our understanding of our past, and the well-being as well as quality of life of our current citizens. It also recognises that as an asset it represents an opportunity for sustainable economic development with the repair and reuse of historic buildings an integral part of sustainable development. Design consideration for historic buildings should promote regeneration to provide contemporary family homes.

Bringing unused or underused spaces within our town back is recognised as having many advantages in terms of contributing to character and distinctiveness of the historic built environment in place-making through to it revives the economic value of urban areas whilst reducing the pressure to build on greenfield valuable agricultural land.

## 5.3. Local Planning Context

### 5.3.1. Louth County Development Plan, 2015-2021.

Section 2.16.4 of the said Plan indicates that the statutory plan for the urban and surrounding environs area of Dundalk is currently the Dundalk & Environs, 2009-2015,

and that the County Development Plan will be an overarching plan for the entire county including Dundalk.

Section 5.10.3 of the said Plan set out guidance for proposals to Protected Structures.

Policy HER 33 of the said Plan states that the Planning Authority shall seek: *“to ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout and materials of the protected structure”*.

Policy HER 34 of the said Plan states that the Planning Authority shall seek that *“the form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected”*.

In relation to Architectural Conservation Areas (ACAs) Policy HER 45 states that the Planning Authority shall seek *“to require that any development within or affecting an ACA preserves or enhances the character and appearance of the architectural conservation area”*.

Section 4.10.2 of the said Plan indicates that the provision of an area of outdoor private amenity space, attached to or available to each residential unit is important for the quality of the residential environment and therefore all new residential units will be required to have access to an area of private amenity space. It also states that *“a relaxation of these standards for public and private amenity space will be permitted where development is proposed to Protected Structures or within Architectural Conservation Areas, where complying with these standards would conflict with protecting architectural features of special interest and where it can be demonstrated that alternative amenities and facilities are available within the neighbourhood – as long as privacy is not compromised”*.

### **5.3.2. Dundalk & Environs Development Plan 2009-2015**

This Plan is still applicable and under which the appeal site is located within an area with the zoning objective ‘*Town Centre Mixed Use*’. This zoning objective seeks to provide for mixed use development.

Contained in Volume 2 of the said Plan is the Record of Protected Structures. It includes Nos 1 and 2 Seatown Place (Ref ID D293 & 294 respectively) and the terrace group it forms part of. A significant number of buildings in the immediate vicinity are also identified as Protected Structures.

No.s 1 & 2 Seatown Place forms part of ACA 5.

#### 5.4. Natural Heritage Designations

- The appeal site is located c0.5km to the south west of Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455) and the Special Protection Area: Dundalk Bay SPA (Site Code: 004026).
- The appeal site is located c6.5km to the south west of Special Area of Conservation: Carlingford Mountain SAC (Site Code: 000453).
- The appeal site is located c14.2km to the south west of Special Area of Conservation: Carlingford Shore SAC (Site Code: 002306).

#### 5.5. EIA Preliminary Screening

- 5.5.1. The relevant classes for consideration in screening for the proposed development area Class 10(b)(i) *“construction of more than 500 dwelling units”* and 10(b)(iv) *“urban development which would involve an area greater than 2 hectares in the case of business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere”*.
- 5.5.2. Having regard to the size of the development site which is c0.067ha and the scale of the development which amounts to 8 apartment units together with the developed and serviced nature of the receiving environment between the site and the nearest European site as well as to the nature, extent, characteristics, and likely duration of potential impacts, I am of the opinion that the proposed development is not likely to have significant effects on the environment and the submission of an environmental impact statement is not required.
- 5.5.3. In conclusion, the need for the environmental impact statement can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The appellant has provided insufficient evidence to demonstrate that they benefit from a legal right-of-way on their property.
- It is requested that all works carried out to No.s 1 and 2 Seatown Place be carried out in a manner that ensures there is no loss of structural integrity of the appellants property.
- The appellant contends that they have waste and water supply issues. It is also contended that some of these infrastructures serving the appellants property and No. 1 Seatown Place are interconnected.
- The survey undertaken is a walk-through survey only and no substantial survey of the buildings or their structures have been undertaken.
- Both the interiors and exteriors of No.s 1 and 2 Seatown Place are afforded built heritage protection.
- The applicant provides in accurate assessment of their property in their Heritage Assessment Report.
- The height of the basement is limited and is contended to be c6ft in places. It is also noted that it served as a coal bunker and a storage area. This basement was never used for accommodation. Concerns are therefore raised that the proposed development could give rise to subsidence and the foundations may not be adequate to support the development sought.
- It is requested that prior to any works being carried out that a construction management plan be provided.
- The Planning Authority in this case have not given adequate regard to the concerns raised in their submissions during the course of its determination of this application.

### 6.2. Applicant Response

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



- No right of way is proposed to the west.
- The legality of a right of way is not a planning issue.
- An extensive survey of 'Kincora House' has been carried out from which the suite of planning application drawings is based on. During this survey numerous door openings between 'Kincora House' and 'The Arch' were observed. These were blocked up on the 'Kincora House' side by way of a single slab modern stud partition. It is proposed to remove these partitions as these are not of the required standard. It is not proposed to interfere with the appellants side, and it is proposed to provide a 1-hour rated partition on the 'Kincora House' side. Similarly, this will also be provided at basement level and where required to maintain the structural integrity of both 'Kincora House' and 'The Arch' as two separate buildings. All such works will be carried out to the required standards including in compliance with conservation guidelines.
- The error in the description given for 'The Arch' property is acknowledged and was not intentional. On this matter the correct RPS number is given for 'The Arch' and reference is made to the description given of 'The Arch' in the RPS.
- There are plumbing pipes belonging to 'The Arch' inside 'Kincora House'. These will not be interfered with unless any fire safety upgrading is required around them.
- There will be some reworking of the uPVC waste pipes externally within 'Kincora House' that relate to 'The Arch'. This is simply to reduce piping on the external elevation.
- The applicant and the author of the submission to the Board are willing to meet with the appellant to discuss works between both buildings in detail prior to the commencement of any works.
- Comments are made on the required floor-to-ceiling heights of internal rooms. The proposals will include ventilation solutions to ensure that there is sufficient ventilation and air in habitable rooms.
- The floor-to-ceiling height of 2.05m is not ideal in relation to the ability to move freely in a room without undue restrictions; however, it is possible to remove an existing concrete floor at basement level to increase the floor-to-ceiling height in

the basement to 2.15m and the applicant is willing to do so should the Board require them to do so by way of condition attached to a grant of permission.

- No additional loads are proposed that would require alterations to the foundations.
- The internal walls which are to be removed consist of small sections of wall only and contain no significant special features.
- The proposed works will have no adverse impact on the appellants property.
- Should the Board grant permission it is incumbent on the applicant to apply for a fire safety certificate, a disability access certificate, submit a notice of commencement and its further noted that a conservation architect or officer will also be involved in the works to ensure that they are done to protect the conservation of the building.
- There is a massive shortage of 1- and 2-bedroom units within Dundalk town centre.
- There is very little structural works required for the proposed development.
- The removal of the 3-storey metal stairs and the removal of excess redundant cabling and pipes would represent external aesthetic improvements.
- All proposed apartment units are in excess of the current requirements and are dual aspect. Two of the apartment units benefit from private amenity space. the four apartments that do not benefit from private amenity space are 3m<sup>2</sup> to 15m<sup>2</sup> above the minimum floor space requirement. They also benefit from access to a south facing qualitative rear communal open space.
- Whilst not 100% compliant with all aspects of the Sustainable Urban Housing: Design Standards for New Apartment Guidelines, 2015, some relaxation should be considered given the restrictive nature of existing buildings that are also Protected Structures.

### **6.3. Planning Authority Response**

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

- No new issues raised.

## 7.0 Assessment

### 7.1. Overview

- 7.1.1. This appeal before the Board is against the decision of the Planning Authority to grant planning permission for a proposed development that essentially consists of the change of use of two Protected Structures, No.s 1 & 2 Seatown Place, to 8 apartment units together with all associated site development works.
- 7.1.2. The appeal site is located within the settlement of Dundalk circa half a kilometre from its historic retail core, i.e., Clanbrassil Street. No.s 1 & 2 Seatown Place address the southern side of Seatown Place, one of the town's principal streets that lies to the east of Clanbrassil Street in County Louth. Seatown Place is characterised by its wide boulevard type road that is mainly flanked on either side by an array of period buildings many of which are considered to be of built heritage merit which has given rise to its streetscape scene being afforded special protection as an Architectural Conservation Area.
- 7.1.3. Both No.s 1 and 2 Seatown Place, are designated Protected Structures (Note: D293 & D294 respectively) and in their current state they are in a vacant and unkempt state. They are bound by Protected Structures on either side. They not only form part of an Architectural Conservation Area but also form part of a larger area that is subject to 'Town Centre Mixed Use' land use zoning objective which seeks to provide for mixed use development. The principle of residential is deemed to be acceptable on lands subject to this zoning and the provision of a viable use that is appropriate and sympathetic to Protected Structures, including as is the case in this situation, their contribution to the visual character and intrinsic qualities of the Architectural Conservation Area they form part of is both encouraged and supported under the current local, regional through to national planning provisions, subject to safeguards.
- 7.1.4. Having read all the documentation on file, inspected the site and it's setting together with having regard to all relevant planning provisions I consider that the substantive issues raised in this appeal case are confined mainly to those raised by the appellant in their appeal submission to the Board. These can be summarised under the following broad headings:
- Access & Associated Issues

- Overall design and layout impact on the Protected Structures.
- Residential Amenity Impact

7.1.5. The matter of 'Appropriate Assessment' also requires examination.

7.1.6. For clarity, my assessment below is based on the initial scheme as revised by the applicant's further information response which was submitted to the Planning Authority on the 12<sup>th</sup> day of November, 2021, due to this response adding improved clarity of information in relation to the development sought. Particularly in terms of the scope of works proposed in relation to their potential for impact on No.s 1 & 2 Seatown Place as Protected Structures through to revisions to the services and amenities to be provided to the rear of these period buildings to meet the needs of future occupants. Moreover, this response also seeks to provide assurance in relation to the matter of whether No.s 1 and 2 Seatown Place benefit from a right of way via undercroft's situated at 'The Arch' and between No.s 5 and 6 Seatown Place.

## 7.2. Access

7.2.1. The appellant in this appeal cases raises concern that the proposed development has included access to the rear of No.s 1 and 2 Seatown Place via her property (Note: 'The Arch') which bounds the western boundary of the site.

7.2.2. The documentation shows that located to the rear of the appeal site would be 8 car parking spaces. In addition, a change of use of an existing garage structure to refuse store, the communal open space and bicycle stands are also proposed. With this rear area being indicated as being accessed via the rear elevation of No.s 1 and 2 Seatown Place, via large, gated openings that open onto two separate rights of way that extend in an easterly and westerly direction to the rear of adjoining and neighbouring terrace properties to undercroft's that open onto Seatown Place at 'The Arch', which is a Protected Structure and between No.s 5 and 6 Seatown Place, which are also Protected Structures. At the point where the undercroft meet the public domain of Seatown Place there is a dropped down pedestrian footpath, a yellow hatched box and cycle path that extends along the southern side of Seatown Place.

7.2.3. The appellant indicates that the applicant has no existing right of access from the entrance serving her property or similarly through the side and rear of her property to Seatown Place. She contends that this has been extinguished. She further argues

that the appellant has not substantiated by way of robust evidence any such existing right-of-way benefitting the owners of No.s 1 and 2 Seatown Place.

- 7.2.4. Of further concern is if it were to be excepted that a right-of-way does exist despite the lack of evidence for the same is the volume of traffic the proposed development would give rise to and the implications that this would have on her enjoyment of her property through to concerns that such a volume of additional traffic that the proposed development would give rise too during construction and operational phases to the structural stability of the undercroft which forms part of 'The Arch' Protected Structure.
- 7.2.5. As part of the further information submitted by the applicant includes documentation from their solicitors that seeks to support the existence of a legal right-of-way benefitting No.s 1 & 2 Seatown Place.
- 7.2.6. I note that this information indicates that a right-of-way was established in 1920 that provided connection via properties to the east towards the undercroft located between No.s 5 and 6 Seatown Place. The documentation submitted in relation to rights-of-way does not provide any assurance that a right-of-way currently exists between the subject property and the appellants property to the west.
- 7.2.7. As such while I consider that this issue is a civil matter that as a precaution any grant of permission should include an Advisory Note reiterating Section 34(13) of the Planning and Development Act, 2000, as amended. This Section of the said Act indicates that a person shall not be entitled solely by reason of a permission under this section to carry out any development. I also note that the Development Management Guidelines state that: "*the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the courts*".
- 7.2.8. As part of the applicant's submission to the Board in response to this 3<sup>rd</sup> Party Appeal they indicate that they do not propose to access the subject properties via the undercroft to the west, i.e., the appellants property.
- 7.2.9. Based on these considerations I recommend that the Board should base their determination on the proposed development based on the information submitted which demonstrates access to the rear of the site is via a right-of-way that adjoins the eastern rear boundary of the site and joins with the public domain via the undercroft between No.s 5 and 6 Seatown Place only.

- 7.2.10. What is of concern in my view in terms of access that the subject site is dependent upon is that this right-of-way is substandard in width along the majority of its length, it has a poor alignment, it is poorly surfaced, it does not benefit from lighting, it does not have any meaningful separation between vehicle and more vulnerable users through too it is bound in part by period stone buildings located to the rear of No.s 3, 4 and 5 Seatown Place that are in an extremely poor structural state.
- 7.2.11. These stone buildings to the rear of No.s 3, 4 and 5 Seatown Place form part of the curtilage of these buildings with each of these period buildings afforded protection by way of their designation as Protected Structures.
- 7.2.12. There are also other built features in the curtilages of No.s 3, 4, 5 and 6 Seatown Place. These consist mainly of remnants of period boundary features through to at the undercroft stone steps, an entrance serving several occupied apartment units within No. 6 Seatown Place and a period cast iron double railed gate.
- 7.2.13. Moreover, there is an access provided for those who are mobility impaired from a later building constructed and adjoining this substandard access way for No.s 3 Seatown Place. The associated dropped down concrete path is also not documented in the submitted drawings with the right-of-way that is showing to exist overlapping with the location of this path.
- 7.2.14. The access that the rear of the site is dependent upon is outside of the bounds of the appeal site this application and would therefore appear to be outside of the applicant's ability to make any improvements too. Further, the documentation submitted with this application and in response to the grounds of appeal does not make any mention of any future improvements it.
- 7.2.15. Of further concern the documentation submitted indicates that there are no impediments in its surface or width at the undercroft location. In addition, the changes in ground levels along the length of the right of way is not documented and there is no suggestion of any improvements to the manner in which access and egress is achieved at the entrance point to the public domain of Seatown Place which is currently manually gated with restricted visibility in either direction.
- 7.2.16. Considering that the proposed development seeks to provide 8 car parking spaces, bicycle parking facilities and that each of the apartments are likely to have their own separate refuse collection on which access onto the public road would be required I

raise serious concerns over the level of traffic the proposed development would generate on lands that form part of the curtilage of four sizeable Protected Structures with various built features bounding this right-of-way that are in varying states of repair and as such are at risk and vulnerable to the significant intensification of use of this right-of-way, particularly by vehicle movements during construction and operational phases of the proposed development.

- 7.2.17. I also raise concern that the documentation provided does not indicate that any examination of the existing usage of this right-of-way and any impact assessment on the proposed development sought. Indeed, there is no indication that this right-of-way serves as the principal access to No. 6 Seatown Place for all occupants of the apartment units it contains and that the point of access contains steps that curtail the width of the undercroft. Further, there is no separate pedestrian/bicycle opening to accommodate vulnerable users.
- 7.2.18. In relation to the planning history of the site the Board permitted under ABP Ref. No. PL248340 the change of use of No.s 1 and 2 Seatown Place from guesthouse to two residential units and a café. Under this proposal each dwelling unit was to be served by two car parking spaces and the café by one. Access to the rear of No.s 1 and 2 Seatown Place to access these car parking spaces was proposed via the undercroft located between No.s 5 and 6 Seatown Place. The Boards Inspector in their report for this case considered that having regard to the historic nature of this laneway access that its nature, limited length, and alignment would limit speeds achievable upon it and considered that Seatown Place offered adequate additional space for visitors of the café and its deliveries. No objection was therefore raised to the use of this right of way for access to the car parking spaces proposed.
- 7.2.19. In this case the nature of the residential use is significantly denser than that previously proposed and there is no commercial use proposed.
- 7.2.20. Whilst I considered its limitations in terms of design, condition through to alignment are such that it would effectively limit speeds achievable on this laneway thus creating a safer shared space. I am not satisfied that the right-of-way and the undercroft access onto Seatown Place is of a sufficient qualitative standard to cater for the quantum of movements vehicle, pedestrian through to cyclists would generate upon it. Alongside any existing through to future development that may occur to No.s 3, 4, 5 and 6

Seatown Place. It is also not of a sufficient width to accommodate any two-way traffic along it or for it to safely accommodate shared access between vehicles and vulnerable road users. Moreover, the intensification of this right-of-way and the increased use for vehicle access and egress gives rise to serious concerns for access and egress by occupants of No. 6 Seatown Place to their residential units.

- 7.2.21. On the basis of the foregoing, I am not satisfied that the proposed development can provide a safe and suitable access via the right of way that exits onto the public domain between No.s 5 and 6 Seatown Place for the 8 dwelling units development sought under this application and I consider that the proposed 8 dwelling units consisting of a mixture of single and two-bedroom apartments would, if permitted, represent over development of this appeal site.

### 7.3. Overall Design and Layout/Built Heritage Impact

- 7.3.1. With regards to the proposed development and its potential built heritage impact, as already indicated No.s 1 and 2 Seatown Place, the subject property are both designated Protected Structures that form part of a terrace group whose adjoining and neighbouring period properties on either side to the east and west are afforded similar protection with this terrace group forming part of a highly attractive streetscape scene that is comprises of many period properties of various recognised merit with this scene given further protection by way of its designation as an Architectural Conservation Area (Note: Policies CH 9 and CH 10).
- 7.3.2. As such No.s 1 and 2 Seatown Place, the properties in its immediate vicinity through to its streetscape scene are highly vulnerable to change and any development to them must give due consideration to ensuring that they as Protected Structures, their associated curtilage; the Protected Structures in their vicinity, in particular those adjoining and neighbouring them on the southern side of Seatown Place alongside the larger streetscape scene they form part of are not adversely impacted by any future developments and/or any future uses.
- 7.3.3. The proposed development sought seeks to change the residential nature of a vacant guest house to use as 6 no. 1-bedroom apartments and 2 no. 2-bedroom apartments.
- 7.3.4. Recently permission has been sought and approved by the Board under ABP Ref. No. PL15.248340 for the change of use of this guesthouse to two dwelling houses with



side and rear extensions alongside together with the provision of a coffee shop on ground floor level.

- 7.3.5. The applicant indicates that this change of use is not viable due to dwelling units with a large number of bedrooms this close to the centre of town are not in demand. Whereas the now proposed mixture of 1- and 2-bedroom units are a residential type that are in demand in this of close to centre of town locality.
- 7.3.6. They further contend that the creation of these units will require minimal intervention to the surviving built fabric of merit of both Protected Structures and that it would provide them with a viable suitable future use.
- 7.3.7. Moreover, they also contend that no adverse impacts would arise to the appellants adjoining property or any other property in its vicinity.
- 7.3.8. In relation to the quantitative and qualitative standard of units proposed the applicant indicates that they are generally compliant with the Sustainable Urban Housing: Design Standards for New Apartments, 2015. They also point out that as the existing buildings are Protected Structures this gives rise to constraints and it is not possible to be fully compliant with these national standards. They note that national guidance on such buildings of built heritage merit advocates a need for a flexible and balances approach in order to ensure that these buildings are maintained with viable uses.
- 7.3.9. No.s 1 and 2 Seatown Place, as appreciated from the public domain appear unkempt and in a deteriorating condition. The front elevations of both properties whilst undoubtedly add to the architectural interest and quality of this stretch of Seatown Place unfortunately their visual contribution is diminished by broken windows, cracked render through to unsympathetic cabling and the like.
- 7.3.10. To the rear the condition of both buildings and their associated rear spaces as well as an additional open garage type structure that juts into the main rear boundary extending the depth of the site at this point southwards is considerably poorer. Here the rear elevation and its associated projections show extensive signs of deterioration with more evident cracking and sheering off of render exposing brick and stone underneath.
- 7.3.11. In addition, these facades are littered with mainly later pvc rainwater goods which are now in a poor state through to other additions which have been attached including but not limited to a decaying fire escape. Moreover, a number of windows have been

replaced with non-sympathetic uPVC windows of fenestration detailing that does not match the original windows where they remain. Altogether both Protected Structures as appreciated from the rear and their remaining rear curtilage are visually diminished and do not evoke their original charm nor does their poor state contribute greatly to the appreciation of adjoining and neighbouring period properties, they form part of.

- 7.3.12. I observed that internally the interior of both Protected Structures is in a decaying and diminished state. It is evident that both buildings having been subject to a number of unsympathetic alterations and additions over the years which have unfortunately diminished their intrinsic character, integrity, and legibility.
- 7.3.13. Nonetheless it is evident that many original built features survive. With these providing a level of insight into the qualitative craftsmanship and use of a high quality of materials, finishes and treatments when both buildings when originally completed for their first occupants.
- 7.3.14. These surviving features include but are not limited to the original staircases with both buildings have distinctly different surviving staircases of merit. There is some interesting and unique plaster working, fireplaces, timber joinery through to surviving wide plank timber floors. Some later more fragile interior finishes like pressed wallpapers are also evident and it is possible that there are earlier built layers covered by later interventions.
- 7.3.15. The original internal configuration has been subject to alterations of varying degrees of sympathy, and this has inevitably resulted in increased level of rooms whilst at the same time original features were lost, damaged and/or covered over in the process.
- 7.3.16. The more in-depth internal fabric has been subject to accommodating residential services as the building was modernised, particularly in the last century. As such the provision of infrastructure and services like electrics, plumbing and similar has resulted in further diminishment to the buildings integrity with these works in places having resulted not only in loss of historic built fabric but also would appear to result in certain structural compromises to these buildings.
- 7.3.17. Against this context I acknowledge that the proposed change of use would provide an opportunity for a viable new use and it is generally recognised that the best method of conserving buildings like these is to keep them in active use.

- 7.3.18. The proposed development thus provides an opportunity for the reversal of this decay alongside the reversal of some of the unsympathetic previous alterations and additions that have unfortunately contributed to the buildings current diminished state.
- 7.3.19. Whilst I acknowledge that this proposal seeks permission of residential use with both No.s 1 and 2 being originally constructed and for a considerable time used as dwelling units respectively, this application seeks a significant intensification of their original use by way of their subdivision in order to create 8 apartment units. With this proposal their will inevitably be associated works to ensure that each of these units are to a suitable standard for modern living. Ideally in a manner consistent with the Sustainable Urban Housing: Design Standards for New Apartments, (2018).
- 7.3.20. Notwithstanding, given the sensitivity of Protected Structures to change there is a need for a balance to be struck between achieving a qualitative standard of living and ensuring the protection of the special interest of the structure, in particular surviving built fabric of merit through to an examination of what potential reversal can be achieved to unravel unsympathetic alterations and additions where possible and where practical as part of the overall design concept.
- 7.3.21. Such an approach would be consistent with Section 7.3.1 of the Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- 7.3.22. On the matter of change of use it indicates in relation to change of use that “*every effort should be made to minimise change to, and loss of significant fabric and the special interest of the structure should not be compromised*”.
- 7.3.23. In relation to the exterior of No.s 1 and 2 Seatown Place I acknowledge that there are a number of improvements that would arise from the proposed development if it were to be permitted.
- 7.3.24. For example, in terms of the principal elevation addressing Seatown Place the most evident changes proposed would be the removal and replacement of the non-sympathetic later windows at second floor level with windows of a design and material to match that of the original surviving windows on the lower floor levels, repair of surviving timber sash windows, repair and appropriate replacement of windows with surviving period glass, repair of the two surviving period timber front doors, the reinstatement of the original lightwell on the Seatown Place pedestrian footpath

adjoining the frontage of No. 2 Seatown Place through to the repairs of the existing railings and plinth to the front of No. 1 Seatown Place.

- 7.3.25. Subject to these proposed works being supervised and carried out to best conservation practice together with the building being legible as no longer vacant with the frontage inevitably being activated by occupation, both No.s 1 and 2 Seatown Place, would by way of the scheme proposed add to the vitality, architectural interest, and qualities of its Architectural Conservation Area streetscape scene but crucially their intrinsic character and visual attributes that contribute to their individual merit as Protected Structures as appreciated from the public domain would be enhanced in a positive manner. Moreover, it would also help to reverse the appearance of dereliction and decay that unfortunately characterises some of the buildings within the terrace group it forms part of and architecturally synergise with.
- 7.3.26. I therefore raise no substantive-built heritage impact concerns in relation to these works subject to appropriate safeguards.
- 7.3.27. To the rear the proposed works include the removal of a later fire escape that extended to the top floor level of the main rear elevation of both No.s 1 and 2 Seatown Place and unsympathetic later rear extensions to both No.s 1 and 2 Seatown Place. The removal of these built features alone in my view will result in reduced visual clutter and an improved visual integrity of both No.s 1 and 2 Seatown Place as appreciated from within their curtilage and beyond.
- 7.3.28. The overall works scope of works proposed to the rear elevation of the Protected Structure and its rear returns are similar to those to be carried out to the front but due to the more advanced level of decay and interventions that have occurred since their construction in the 1840s are more intensive in their scope and ambition.
- 7.3.29. As such it is proposed by the applicant to repair the external envelope, to replace later unsympathetic rear windows, repair surviving original windows and door openings through to consolidating the level of rainwater goods and other attachments.
- 7.3.30. Collectively these will further restore No. 1 and 2 Seatown Place to a visual condition that is more representative of its original built form and appearance when originally completed but with later additions being more distinctly legible.
- 7.3.31. These external improvements would inevitably be further enhanced and added to by improvements proposed within the curtilage of the rear yard area that has at some

point in time being amalgamated and has now become an unkempt space that contributes little to the interpretation and appreciation of both Protected Structures. Further there is an *ad hoc* array of boundary treatments through to the hard surfaced spaces and qualitatively poor green spaces all detract from the appearance and appreciation of both Protected Structures and the period terrace group they form part of.

7.3.32. These improvements include addressing and reversing its state of disrepair and unkemptness by providing open space, car parking and circulation space.

7.3.33. I therefore raise no substantive-built heritage impact concerns in relation to these works subject to safeguards, however, I consider that they lack imagination and could have achieved more. For example, in terms of repair of where there are surviving period walls and the juxtaposition of inappropriate boundary treatments.

7.3.34. In terms of internal works to both No.s 1 and 2 Seatown Place whilst there would be removal of some later internal additions including partitions and suspended ceilings in order to create the proposed new internal configuration for the 8 apartment units. This inevitably requires reorganisation of the configuration of all floor levels alongside the need for other interventions ranging from plumbing through to electrical improvements.

7.3.35. The level of intervention that is proposed including some restoration of cornicing, timber detailing, the making good of historic finishes with a like for like approach through to the restoration of the light well previously mentioned will improve natural light into the basement level in my view is welcomed but could have achieved more whilst still allowing for an appropriate juxtaposition between period built fabric, period restoration and contemporary interventions. There is a lightness of touch not present in the design scheme chosen which seeks to accommodate a significantly denser residential scheme.

7.3.36. In general, I consider that the internal interventions would improve the character of both No.s 1 and 2 Seatown Place, subject to safeguards, that together with the external interventions proposed would be consistent with policies set out in the Development Plan that seek to protect and enhance the character of Protected Structures like this and Architectural Conservation Area context settings. Notwithstanding, I do raise it as a concern that the concentration on the provision of 1- and 2-bedroom apartment units require more significant internal alterations to be

made with even more chances for surviving historic built fabric to be lost and less opportunity to reverse some of the later alterations that have diluted the internal character and integrity of these buildings to be appropriately negated.

7.3.37. Moreover, it is a concern in my view that the initial design for this multi-unit scheme was not informed by a Method Statement and the preparation of a Heritage Impact Statement. Should such input have been provided at an earlier stage in the design process I question whether 8 residential units would have been the outcome even if a higher residential scheme over the previous scheme approved by the Board was considered. Particularly having regard to the spatial limitations of the basement level particularly in terms of light and natural ventilation; Apartment Unit 1 & 5 having a WC/Bathroom opening onto a galley type kitchen; through to the use of glazing openings and fenestration detailing that does not seek to harmonise with original window detailing and materials either in a traditional or a lightweight sympathetic contemporary manner echoing the original opening treatments.

7.3.38. On the basis of the foregoing, I consider that the design, layout, and overall spatial divisions relating to the apartment units could have achieved a more qualitative response both in terms of protecting and working with the interiors and exteriors of both Protected Structures whilst providing a more qualitative internal living spaces for future occupants.

#### **7.4. Residential Amenity Impact**

7.4.1. The appellant raises concern that the proposed development, if permitted, would give rise to a diminishment in their established residential amenity. The substantive concern raised relates to the matter of access and the potential of the proposed development to compromise the structural stability of their property. These matters I have addressed under separate sections in my assessment.

7.4.2. In terms of other potential nuisances that would arise the proposed development would not give rise to any significant additional levels of overlooking, overshadowing or other similar type of interference on the appellants established residential amenity.

7.4.3. Any nuisances that would arise during construction, should the Board be minded to grant permission for the development sought under this application, could be dealt with by way of appropriately worded conditions.

- 7.4.4. It is likely that the increased level of vehicle access and the provision of a communal open space area that essentially would be available to all occupants of the eight apartment units proposed would result in an increase in noise nuisance over and above that currently experienced.
- 7.4.5. Notwithstanding, this is a town centre area and any additional noise nuisance that would arise should not give rise to any serious issue given that the development is of a residential nature.
- 7.4.6. In terms of future occupants, however, I raise a number of concerns in regard to qualitative residential amenity for future occupants. Of particular concern is the lack of adequate natural light and ventilation as well as minimal floor-to-ceiling height as is required under the Building Regulations.
- 7.4.7. Whilst I acknowledge that the applicant proposes to address the ventilation inadequacies by mechanical means the proposed development does not include any back up power generation should an adverse situation arise, and mechanical ventilation is not possible. There would be potential for the rear yard area, in particular, the waste storage shed to be used for capturing energy in the form of solar pv with its southerly orientation.
- 7.4.8. Further, there is a minimal floor-to-ceiling height for the two apartment units at basement level that further adds to the inadequate natural light and ventilation concerns. Though I am cognisant that these units have access to private amenity spaces, these spaces despite their southerly aspect are sunken spaces that would also be overlooked by occupants accessing and egressing from the 6 apartment units contained in the levels above.
- 7.4.9. The applicant indicates that the head height of 2.05m is safe for use in relation to fire safety and that it is only one of the attributes to be considered in terms of ventilation. They indicate that they propose to install a single room mechanical ventilation and heat recovery unit to the external wall, but this does not appear to be indicated in the drawings submitted with this application nor does the drawings appear to indicate what impact the ducting and noise abatement of the same would have between these units and the units above.
- 7.4.10. They further note that some additional level of excavation could occur to increase the head height to 2.15m and that should the Board deem this additional excavation to be

appropriate they are willing to do this as it would require only the removal of a modern concrete floor and that it would not adversely impact either Protected Structures stability.

- 7.4.11. Moreover, they refer to the level of flexibility provided for such buildings under the Sustainable Urban Housing Guidelines, notwithstanding this flexibility is subject to overall design quality and I do not consider the basement apartment units would provide future occupants with a qualitative internal living space.
- 7.4.12. Of further concern it is unclear whether the refuse storage building to the rear would accommodate the waste receptacles for the 6 apartment units above the basement apartment units and whether or not waste storage would overspill into the rear yard area or concerning the communal open space provision. It is unclear whether the basement units would be required to manage their waste storage within their private amenity space and if this is the case that this would encroach on the quantitative private open space of these units as well as its quality if nuisances arising from such a scenario were not designed out.
- 7.4.13. The documentation provided does not make it clear that the proposed development is consistent with waste management requirements and that the provision of appropriate waste management on-site solutions would not compromise other residential amenities.
- 7.4.14. Alternatively, there is no indication that the apartment unit scheme would be subject to any form of collective management with that including a collective waste storage provision and with this that the waste storage would be managed to ensure that no adverse nuisances arise. Particularly in terms of odours and vermin.
- 7.4.15. I am therefore not satisfied that the documentation submitted with this application clarifies that the waste storage provisions would be adequate for the 8 apartment units proposed.
- 7.4.16. These concerns added to the substandard access serving the rear of the site and the proposed quantum of traffic 8 apartment units would generate alongside other users of this access onto Seatown Place adds to my concern that the proposed development represents over development of two sensitive to change Protected Structures and would limit the potential for other Protected Structures upon which access to the rear



of their properties is dependent upon including No.s 3, 4, 5 and 6 which also includes separate attractive stone buildings that bound the southern side of laneway.

- 7.4.17. Based on the above, I am of the view that the proposed development would give rise to overdevelopment of No.s 1 and 2 Seatown Place and would, if permitted, give rise to a substandard quality of future internal residential amenity for occupants of Apartments 1 and 2.

## **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, which relates to the change of use of, and extensions to, existing structures in an established and serviced town centre area outside of any Natura 2000 sites, I am satisfied that 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.

## **7.6. Other Matters Arising**

### **7.6.1. Impact on Structure of Appellant's Property**

The appellant in this case raises significant concerns with regards to the potential impact of the proposed development on the structural integrity of her property 'The Arch', a Protected Structure.

The appellant contends that portions of the party wall between her property and No. 1 Seatown Place are only comprised of partition walls and it would also appear that various services such as plumbing infrastructure on which her property is reliant upon are contained within the envelope of No. 1 Seatown Place.

The applicant acknowledges the complexity of the situation between the appellants property and No. 1 Seatown Place describing the physical juxtaposition of both buildings like a jigsaw in terms of their physical arrangements.

They indicate that they do intend on interfering with the appellants property, but they do acknowledge that some works may be required as part of meeting building control and fire safety requirements.

They further indicate that they are willing to meet with the appellant to address any of her concerns on this matter prior to commencement alongside they will seek to comply with building regulations and good building practices whilst maintaining the integrity of

both of their Protected Structures as well as structures adjoining them including the appellants property.

The conversion of the guesthouse into residential use by way of the creation of 8 no. apartment units in land use terms would result in a compatibility of use between the appellants property and No.s 1 and 2 Seatown Place that subject to appropriate conditions should not result in any undue adverse residential disamenity and it would appear that there is relatively limited extent of works proposed to No. 1 and 2 Seatown Place. As such the potential for adverse structural impact to arise on the appellants property or indeed the adjoining property to the east, No. 3 Seatown Place, is limited. Notwithstanding this, I note that as per section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of planning permission to carry out any development.

7.6.2. **Drainage:** On foot of the applicant's further information response the Planning Authority raised no further concerns in terms of drainage matters. I concur with this conclusion and I note that there is no evidence to suggest that there are any significant issues with public drainage in this locality and the proposed development provides an opportunity to remove hard surfacing to the rear and its replacement with permeable solutions alongside surface water mitigation measures that accord with best practice. Therefore, the proposed development has the potential to contain surface water drainage on site and to place less demands on public mains drainage infrastructure than its existing situation.

7.6.3. **Water:** There is no evidence to suggest that the public water supply does not have spare capacity to meet the needs of the proposed development. I therefore consider that the proposed development which already benefits from an existing connection to public water supply raises no substantive issues of concern.

7.6.4. **Master Plan:** It is considered that due to the confined nature of the site and its dependence on a right of way that serves a number of other terrace properties within this terrace group together with the built heritage sensitivity of this terrace group and the state of decay and lack of viable uses at characterises particularly No.s 1 & 2 Seatown Place as well as No.s 4 and 5 with No. 6 Seatown Place being in a poor state of upkeep that there is a need for a co-ordinated approach to the development of this sensitive to change terrace group that has restricted rear access. I note that this may

not be possible due to the fragmented ownership of these buildings, but such an approach is needed to ensure that these buildings secure viable and sympathetic that balances their potential and constraints in a feasible manner.

#### 7.6.5. **Archaeology: Built Heritage**

The appeal site does not form part of, nor does it adjoin a zone of archaeological influence. However, an examination of National Monuments in the vicinity of the site indicate that items of archaeological interest were uncovered during works to properties in this urban landscape. Notwithstanding, given that the proposed works do not include any increase in footprint of the existing buildings on site and/or any substantive excavation works it is unlikely that any physical fabric of archaeological interest may be uncovered. However, I note that there is evidence based on maps that predate the subject properties that there were earlier structures located on this appeal site. As such any works to the existing basement of the two period structures through to any excavation works to facilitate the proposed development to the rear should include a precautionary condition to deal with potential undiscovered archaeology of interest.

#### 7.6.6. **Development Contribution Scheme**

The Planning Authority considered in their determination of this application that no development contributions were payable, on the basis that the change of use would not lead to any intensification of demand on existing infrastructure and this is echoed in the conditions attached to the notification to grant planning permission. This is provided for by Class 10 of Article 6.1 of the Louth Development Contribution Scheme 2016-2021. I concur with this view and I also note that Class 19 of Article 6.1 provides an exemption for renovations to protected structures and for extensions to protected structures for private residential use where the works protect and enhance the character of the protected structures. I am satisfied, therefore, that no development contributions arise in respect of the proposed development should the Board be minded to grant permission for the development proposed.

## 8.0 **Recommendation**

8.1. I recommend that permission be **refused**.

## Reasons and Considerations

1. It is considered that the proposed development which is on a constrained landlocked on three sides and built heritage sensitive site, in a built heritage setting that is highly sensitive to change; and, a site which is reliant on vehicular and general access to its proposed rear car parking area as well as communal waste and bicycle storage areas that by way of a substandard in width, alignment and surfacing shared space laneway. A laneway that extends from the rear eastern side boundary of the site in an easterly direction through the curtilage of No.s 3, 4, 5 Seatown Place and bounds with No. 6 Seatown Place, all Protected Structures that include built features of merit within their curtilage that bound this access and upon which access is similarly dependent upon would as a result of the eight residential units proposed result in significant additional demands on this accessway, that could jeopardise the existing and future potential of No.s 3, 4, 5 and 6 Seatown Place by way of a lack of co-ordinated vision that would allow for an equitable and safe usage of this access by way of the proposed overdevelopment.

Moreover, this laneways access onto the public domain of Seatown Place, is at a point that the public domain consists of a pedestrian footpath, cycle way and on-street car parking alongside is at a point where access and egress is dependent upon an entrance that consists of a restricted in width and changing in alignment undercroft where the sight lines in either direction are significantly deficient and where the main point of access to the multiple units contained in No. 6 Seatown Place is situated and where there are original period stone steps serving occupants due to the changes that are present between the undercroft and the finished floor level of this Protected Structure.

Furthermore, this undercroft is gated and requires manual opening and closing for access and egress. There are also no improvements proposed to this access and it is considered that this laneway due to its deficiencies would not provide a safe and suitable access to serve the quantum of eight apartment units proposed together with the needs and requirements of No.s 3, 4, 5 and 6 Seatown Place which form part of the period terrace group of substantial period properties dating to circa 1840s which the No.s 1 and 2 form part of.

It is therefore considered that the access on which the proposed development is dependent upon is not suitable and of a standard that would safely accommodate the quantum of residential proposed alongside the existing and future potential of No.s 3, 4, 5 and 6 Seatown Place and as such would seriously injure the residential amenities of future occupants of the proposed scheme as well as existing and future occupants of No.s 3, 4, 5 and 6 Seatown Place in a piecemeal as well as uncoordinated manner; and, if permitted, would also potentially give rise to additional conflict, hazard and safety issues for users of this lane as well as public road users in the vicinity of the undercroft entrance in a manner that would be contrary to the proper planning and development of the area.

2. It is considered that the proposed design, layout, and access to amenities through to services such as parking and waste storage within the residential scheme put forward represents overdevelopment of two Protected Structures, i.e., No.s 1 and 2 Seatown Place, respectively, that if permitted would produce a substandard form of development on this site at a density that would also result in poor living amenities and standards. Particularly at basement level where the floor-to-ceiling height, access to natural light and ventilation would not result in qualitative living amenities for future occupants. Moreover, the density of apartment units proposed for these Protected Structures is at a scale internally that does not fulfil the potential for improved internal legibility and restoration of these attractive period properties of recognised merit. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

25<sup>th</sup> day of March, 2021.