



An
Bord
Pleanála

Inspector's Report

ABP-314385-22

Development	Demolition of two dwellings and construction of 5 dwellings.
Location	Gleann na Greine, Naas, Co Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22652
Applicant(s)	Thomas and Patrick Leeson.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Thomas and Patrick Leeson.
Observer(s)	None.
Date of Site Inspection	4 th August 2023.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 274sqm, is in the town centre of Naas, Co. Kildare, at the junction of Dublin Road (R445) and Gleann Na Greine, c50m northeast of Popular Square. The site is within Naas Town Architectural Conservation Area (ACA).
- 1.2. The site comprises a range of vernacular buildings constructed around a central courtyard. The buildings on site include a 2-storey, 3-bay structure with shop front, fronting onto Dublin Road and a part two storey, part single storey dwelling fronting onto Gleann Na Greine. There is a single storey dwelling and adjoining two storey outbuilding /store to the rear (south) of the site. These structures face onto the central courtyard and back onto an old stone wall, possibly the remnants of a handball alley. There is vehicular access to the courtyard from Gleann Na Greine.
- 1.3. Existing development in the immediate vicinity comprises a mix of single and two storey vernacular buildings in residential and commercial use. The Naas Town Centre Shopping Centre, a large modern three-storey brick building, is located to the c25m to the northeast, on the opposite side of Dublin Road. Butt Mullins restaurant and its associated curtilage lies to the south of the appeal site with frontage onto Dublin Road. This property contains a protected structure (RPS Ref. NS19-017), described as a c12m section of the old Naas town wall. The modern (c2019) four-storey extension to Lalor's Hotels is located to the southeast of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of two dwellings and the construction of 5 dwellings including 1 Studio, 2 No 1-bed duplex units, 2 No 2-bed duplex units in a three-storey structure.
- 2.2. The structures proposed for demolition comprise the part two storey, part single storey dwelling fronting onto Gleann Na Greine and the single storey dwelling with adjoining two storey outbuilding / store to the rear (south) of the site.
- 2.3. Table 2.1 below provides a summary of the key aspects of the proposed development:

Table 2.1: Site Statistics and Development Details:		
Site Area	274sqm as stated	
	Original Scheme	Revised Scheme
No. of Units	5	4
Gross Floor Area	293sqm	262sqm
Demolition	176sqm	176sqm
Housing Mix	1 studio apt 2no.1-bed GF Apt 2no. 2-bed Duplex	1 studio apt 1no.2-bed GF Apt 2no. 2-bed Duplex
Density <i>(Existing = 73units /ha)</i>	182 units/ha	146units /ha
Height	8m to 9.4m	8m to 9.4m
Parking		
Car	0	2
Bicycle	The site layout plan identifies 4 bike storage unit	The site layout plan identifies 4 bike storage unit
Open space	50sqm communal	50sqm communal
Access	Pedestrian access only from Gleann Na Greine.	Pedestrian access and Access to car parking spaces from Gleann Na Greine.
Drainage	Connection to public mains	
Water Supply	Connection to public mains	
Foul Drainage	Connection to public mains	

2.4. The application is accompanied by:

- An Archaeological, Architectural and Cultural Heritage Impact Assessment
- Engineering Report
- Housing Quality Assessment

2.5. The appeal is accompanied by:

- Revised elevations and floor plans allowing for the introduction of 2no car parking spaces in lieu of one ground floor apartment (Unit 2)
- Photomontages and Positional Imagery

3.0 **Planning Authority Decision**

3.1. **Decision**

Kildare County Council did by order dated the 22nd of July 2022 decide to refuse permission for three reasons summarised as follows:

1. The subject site is located within the Naas ACA and consists of an arrangement of vernacular buildings which greatly contribute to the historic streetscape and setting....The proposed development, by way of its design, scale and loss of historic and vernacular architecture would be contrary to Policy ACA 2 and VA5 of the KCDP 2017-2023 and Objective BH2.1 of the Naas LAP 2021-2027 and would, if permitted, set an undesirable precedent for similar such proposals, and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the subject site in close proximity to protected structure NS19-107 (town wall), the proposed works including the demolition of two buildings and the alteration in ground level required to facilitate the development, its is considered that the proposed development would have a detriment impact on the archaeological and architectural heritage character of the area. The proposed development would materially contravene Policy AH1 of the Kildare County Development Plan 2017-2023 which requires.... The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3. Having regard to the omission of any car parking spaces from the proposed development and in the absence of a mobility management plan, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development complies with the requirements as set out within Table 17.9 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proposed planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

The report of the case planner has regard to the locational context and planning history of the site, to relevant planning policy and to the departmental reports and third-party submission received. The assessment can be summarised as follows:

- The subject site is within the Naas ACA. Protected structure NS19-017 is located to the south of the site.
- The proposed development being two and a half storey in nature, would appear to dwarf the neighbouring properties to the west and south. The proposed height of the development combined with the change in ground level at this location would contribute to make the proposed development the dominant feature in an area of such sensitive architectural importance.
- While the provision of addition residential units within the town centre is acceptable in principle no attempt has been made to re-use the existing buildings on site.
- The design principles for the proposed development are based on the modern addition to Lalor's hotel rather than the adjoining vernacular buildings along the Dublin Road.
- The proposed development appears to ignore the existing building lines and character of the existing streetscape. The proposal does not add value to the streetscape and would set an undesirable precedent for similar development in the future.

- The proposal accords with development plan standards in terms of floor area and private amenity space.
- No parking spaces are identified on the site plan proposed and there is limited parking in the vicinity of the site. A mobility management plan has not been submitted to justify the lack of on-site parking.
- In respect of protected structure NS19-017 (Town Wall), given the development involves the demolition of two buildings and sub surface disturbance within the footprint of the site of up to 0.5m below ground level, the potential to impact on any remains of the town wall is significant.
- The report concludes with a recommendation to refuse permission as per KCC decision.

3.2.2. Other Technical Reports

Conservation Officer:	Refuse Permission. The subject site is in Naas ACA and consist of an arrangement of vernacular buildings which greatly contribute to the historic streetscape and setting. Demolition of these vernacular structures is considered detrimental to the historic character of the area and is not acceptable.
Heritage Officer:	Refusal recommended given the potential to impact on the archaeology of Naas in particular any remains of the town defences and the impacts on the character of the ACA.
Transportation:	Further information requested on car parking, vehicular access, footpaths, cycle parking and public lighting.
Environment:	No objection subject to conditions.
CFO:	No objection. Fire Safety Certificate required.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The planning authority received one third party submission from the owners of Butt Mullins Restaurant, the adjoining property to the south. The issues raised can be summarised as follows:

- The concerns raised relate to the high wall that divides the two properties. The wall is very old and there is a concern that it might be damaged or undermined during demolition / construction. Any such damage would pose a very serious safety risk for staff and customers.

4.0 Planning History

ABP: PL73.216261 / KCC:04/500181:

Permission refused (2006) for the demolition of exist. 2- storey shop units & construction of new 3-storey mixed development comprising of 3 no. retail units on ground floor level (195 sqm); 2 no. office units on 1st floor level (204 sqm); 2 no. office units on 2nd floor level, etc. The development was refused for two reasons as follows:

- 1 *The proposed development is located within an area with town centre zoning and within a proposed Architectural Conservation Area as set out in the Naas Town Development Plan, 2005, where it is an objective to protect and enhance the special physical and social character of the existing town centre and provide for new and improved town centre facilities. This objective is considered reasonable. It is considered that the proposed development which requires the demolition and loss of an existing group of buildings, considered an important part of the streetscape at this location, would contravene the zoning objective for the area and seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 2 *It is considered that the proposed three-storey development by reason of its design and scale place would constitute an uncharacteristic and visually obtrusive development in the streetscape that would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Local Policy:

The application was assessed by Kildare County Council in accordance with the policies and objectives of the Naas Local Area Plan 2021-2027 and the Kildare County Development Plan 2017-2023. The Kildare County Development Plan 2017-2023 has since been superseded by the Kildare County Development Plan 2023-2029 (KCDP 2023-2027) which came into effect on the 28th of January 2023. I have assessed the proposal under the provisions of the operative plans for the area, namely the Naas Local Area Plan 2021-2027 and the Kildare County Development Plan 2023-2029.

5.1.1. Kildare County Development Plan 2017-2023:

Relevant Policy / standards:

Policy ACA2 Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and area in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA”.

Policy VA5 Protect (through the use of ACA’s, the RPS and in the normal course of development management) vernacular buildings where they contribute to the character of areas and/or where they are rare examples of a structure type. Naas Local Area Plan 2021-2027 (NLAP)

Policy AH1 requires that development is managed “in a manner that protects and conserves the archaeological heritage of the County, avoids adverse impacts on site, monuments, features or objects of significance historical or archaeological interest”.

Development Management Standards:

Extract from Table 17.9 Car Parking Standards

House	2 spaces per unit
Apartment	1.5 spaces per unit + 1 visitor space per 4 apartments

5.1.2. **Kildare County Development Plan 2023-2029**

Chapter 11 Built Heritage

Section 11.11 Walled Towns.

It is the policy of the Council to:

AH P3 Support the protection and conservation of the medieval fabric and form of walled towns in the county.

Objectives

It is an objective of the Council to (inter alia):

AH O11 Avoid disturbance, removal, and alteration of the line of identified town walls as detailed in Conservation Management and Interpretation Plans or the potential line of the town walls as identified in the Urban Archaeological Survey.

Section 11.17: Built Vernacular Heritage:

It is the policy of the Council to:

AH P9 Promote the protection, retention, appreciation, and appropriate revitalisation of the built vernacular heritage of the county.

It is an objective of the Council to:

AH O53 Ensure that an assessment of the existing buildings on site is undertaken through an analysis of historic maps and an appraisal of the historic fabric and features. Development proposals should retain and incorporate existing buildings of merit and any elements that contribute to their distinctive character.

AH O54 Have regard to guidance in the DHLGH Guidelines and conservation best practice in assessing proposed interventions to vernacular structures, traditional farmhouses, their curtilage, out buildings and settings.

AH O55 Resist the demolition of built vernacular heritage, in particular thatched cottages and farmhouses, and to encourage their sensitive reuse having regard to the intrinsic character of the structure and the potential to prolong the life cycle of the embodied carbon contained within the structure.

AH O59 Respect the setting, form, scale, and materials of existing vernacular structures and to only permit changes to these structures where they are sympathetic to their special features and character.

AH O60 Preserve the character, including original building features or materials should be retained such as windows, doors, roof coverings and setting (e.g. gates, gate piers, boundary treatments, courtyards etc) of vernacular buildings, where deemed appropriate by the planning authority. Proposals for extensions to historic or vernacular buildings should not erode the setting and design qualities of the original structure and should be in proportion or subservient to the existing building.

AH O62 Protect (through the use of ACAs, the RPS and in the normal course of development management) vernacular buildings where they contribute to the character of areas and/or where they are rare examples of a structure type.

AH O63 Ensure that new buildings adjacent to vernacular structures and extensions to vernacular buildings are of an appropriate design and do not detract from the character of these structures.

Section 11.18: Architectural conservation Areas

It is an objective of the Council to:

- AH O65 Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.
- AH O66 Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

Chapter 15. Development Management Standards

Section 15.7.2 Cycle Parking:

Extract from Table 15.4 - Minimum Cycle Parking Standards

Apartment	1 space per bedroom + 1 visitor space per 2 apartments
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Section 15.7.8 Car parking:

Extract from Table 15.8 - Maximum Car Parking Standards

House	1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater
Apartment	1.5 spaces per unit + 1 visitor space per 4 apartments

Appendix 6 - Record of Protected Structures

RPS Ref: NS19-017:

Address: “Butt Mullins” Restaurant, Poplar Square. Naas East

Description: c.12m long section of town wall dating to the medieval period, now incorporated within the walls of later structures, and forming party boundary between Butt Mullins restaurant and adjacent property to the south.

5.2. Naas Local Area Plan 2021-2027 (NLAP)

Zoning: The site is zoned Objective A - Town Centre. The objective for this area is to protect, improve and provide for the future development of the town centre.

Built Heritage: Section 8 of the NLAP relates to 'Built Heritage'. The aim of the NLAP is to enhance, protect and conserve the unique built heritage of Naas, while recognising the town's assets as a valuable resource and instrument for the creation of a sense of place.

Architectural Conservation Area:

The site is located within the Naas ACA. The following policy and objective apply:

Policy BH2 – Architectural Conservation Area

It is the policy of the Council to protect the character of the Architectural Conservation Area and to carefully consider any proposals for development that would affect the special value of the ACA, while having regard to the guidance contained in the ACA Statement of Character which provides information to support property owners located within the ACA.

It is an objective of the Council to (inter alia):

BH 2.1 Ensure that new development, extensions, and renovation works within or adjacent to Naas ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features.

BH 2.3 Support the retention, repair and re-use of materials which characterise the vernacular architecture of the ACA including stone, slate, decorative render, timber windows and doors.

BH 2.6 Encourage the protection, retention, appreciation, and appropriate revitalisation of the vernacular and industrial heritage of Naas.

Protected Structures

Policy BH1 It is the policy of the Council to preserve and enhance the buildings identified on the Record of Protected Structures and to carefully consider any proposals for development that would affect the special value of such structures, including their historic curtilage, both directly and indirectly.

Medieval Town Walls

Section 8.4.3. refers to the settlements medieval town walls as follows:

“Naas was once a fortified town; however little obvious evidence of the town defences exists today. The County Kildare Urban Archaeological Survey (Bradley and King 1986) suggests the line of the town defences should be protected. Therefore, the Council proposes to prepare a Conservation Management and Interpretation Plan for the Town Walls of Naas. The zone of potential for the historic town of Naas (RMP KD019-030) is recorded on the Record of Monuments and Places which offers legal protection along with the protection offered by the Planning and Development Act 2000 (as amended) pertaining to the Architectural Conservation Area”.

5.2.1. Naas Architectural Conservation Area. Statement of Character

The architectural heritage and the overall condition of the Naas ACA is expanded upon in detail in the Naas Architectural Conservation Area, Statement of Character which accompanies this Naas Local Area Plan 2021-2027.

- As per Section 5.1.13 Key views as outlined in this document, which include views along the Dublin Road into and out of the ACA, must be protected and any works within the ACA should not adversely impact on or block these

views. These views are considered for 'Protected View' status in Naas Local Area Plan 2021-2027

- Section 5.1.9 relates to Demolition as follows:

Demolition of any building visible within the ACA, whether it is a Protected Structure or not, requires planning permission. There will be a presumption in favour of retaining any structure that makes a positive contribution to the character of the ACA to avoid incremental loss or damage to its special character. Where permission is sought for demolition on the grounds of structural defects or failure, a condition report produced by a suitably qualified and experienced conservation professional, supported by photographs and drawings indicating locations of defects will be required. Justification on structural grounds for any demolition within the ACA must include details of repairs or remedial works normally used in similar circumstances demonstrating why they are not suitable in that instance. A full photographic record and measured survey will be required before any demolition commences. Façade Retention: Although interiors are not protected within an ACA 'façade retention', or the demolition of the interiors of a structure to leave the outer façade only, will not be considered an acceptable approach to redevelopment of an area.

5.3. National Policy

- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2022) (The Apartment Guidelines)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.4. Natural Heritage Designations

The site is not located on or adjacent to any designated site. The Grand Canal NHA is located c450m to the west. Natura 2000 sites within the wider area include:

- Red Bog SAC (Site Code 000397) is located c.8.5km to the south-east,
- Poulaphouca Reservoir SPA (Site Code 004063) is c.10km to the south-east,
- Wicklow Mountains SAC (Site Code 002122) is c.13km to the south-east,

- Pollardstown Fen SAC (Site Code 000396) is located c.12km to the south-west,
- Mouds Bog SAC (Site Code 002331) is c. 9km to the west,
- Ballynafagh Lake SAC (Site Code 0001387) is located c.10km to the north-west, and
- Ballynafagh Bog SAC (Site Code 000391) is located c.11km to the north-west.

5.5. EIA Screening

Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal lodged on behalf of the applicants, Thomas and Patrick Leeson, against the decision of Kildare County Council to refuse permission for development at Gleann na Greine, Naas Co. Kildare. Three reasons were cited in the refusal, the appeal submission responds to each of the refusal reasons in turn. The submission can be summarised as follows:

Refusal Reason 1 – Impact on Naas ACA

- The site is located between the main street of Naas and the new extension to Lalor’s Hotel recently built at twice the height of the street front. The design challenge was how to offer an infill catalyst between the general character of the traditional street front and the much larger hotel. The challenge is addressed in terms of scale, vista, streetscape, building line, fenestration patterns, architectural features, precedent, and sustainability:
- Scale: the scale is determined by the most appropriate step-up strategy which may be halfway between the ridge line of Lalors Hotel and the ridge line of the main street. It is submitted that the spatial relationship between the

scale of the units proposed to be demolished and the hotel is influenced by the stone wall between Lalors and the appeal site. this wall, which does not form part of a protected structure) is being retained. The new homes are designed to sit within the confines of the wall.

- Vista: - the vista towards Lalors Hotel is opened up and improved by improving the quality of the streetscape.
- Streetscape: - the design intent is to link the two forms of architecture (Lalor's and existing buildings on the Dublin Road) in a graded manner.
- Building Line:The building line pays respect to the existing building line of the buildings to be demolished.
- Fenestration Patterns: - the fenestration pattern at roof level is designed to reflect the Lalor's Hotel at roof level. The ground floor and first floor are designed to reflect a balance between the fenestration pattern of the Dublin Road and that of Lalor's Hotel Extension.
- Architectural Features: - The copper cladding to the top dormer windows of Lalor's Hotel is reflected in the copper cladding of the dormer rooflights of the proposed development.
- Sustainability: - The LAP encourages compact development in town centres. Own door duplex units within existing town infrastructures offers the best opportunity for compact urban development without the excessive floor area associated with apartments with common internal floor areas.

Refusal Reason 2- Impact on Protected Structure NS19-107 (town wall)

- The definition of the Protected Structure within the Naas Local Area Plan is very specific in that it is the 12m long protected structure of the town wall.
- The history and significance of this section of wall is addressed extensively in the expert report from the Archaeological consultants submitted with the application. it is not clarified in technical terms or historic evidence by the Local Authority, why the Council disagree with the expert report.

- The subject site does not bound the wall and the demolition of the two buildings will have no impact on the protected structure, which is integrated with an existing building.
- The ground levels are not changed as suggested by the planning department.
- The protected structure is specific in terms of length and location. It can render the planning process unpredictable for applicants should the planning regulators seek to extend the scope of a protected structure beyond the property title.
- Refusal reason 2 does not offer any guidance as to how a future application on the site may be addressed.

Refusal Reason 3: Parking provision.

- The Naas Local Area Plan was dependent on the Naas-Sallins Transport Strategy Plan which provides a public Mobility Management Plan for the town centre of Naas. It is therefore incorrect to say that a mobility management plan does not exist.
- The Sustainable Urban development is based on the principle of eliminating the need for the car and it is submitted that it is contrary to the principle of compact development that car parking should be provided.
- The applicants would accept a condition that one unit would be omitted to enable two on-site parking spaces as per Drawing 2657-13A.

6.2. **Planning Authority Response**

The planning authority having reviewed the content of the first party appeal has no further comment to make.

6.3. **Observations**

None

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Permission is sought for the redevelopment of lands at Gleann Na Greine, Naas, Co. Kildare comprising the demolition of existing vernacular buildings and the construction of new residential building encompassing five dwelling units in the form of 1 studio apartment, 2 ground floor apartments and two duplex apartments. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues to consider in this appeal are those cited in the refusal reasons. The quality of the proposed scheme in terms of ensuring an adequate level of residential amenity for future occupants and appropriate assessment also merit consideration. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise.

7.1.2. I proposed to consider the appeal under the following headings:

- The principle of the development
- Impact on Naas ACA
 - *Demolition*
 - *Proposed Replacement Structure*
- Impact on Built Heritage
- Parking Provision
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is zoned 'A' - Town Centre under the Naas Local Area Plan 2021-2027 (NLAP). The objective for this area is to protect, improve and provide for the future development of the town centre. 'Dwelling' is listed as a land use that is permitted in principle within the Town Centre zoning. The proposed scheme would increase the density of residential development on this town centre site thereby contributing to the delivery of compact and sustainable growth in Naas, this would accord with the provisions of both local and national planning policy.

7.2.2. Having regard to the above, I am satisfied that the development of this site for residential purposes, as proposed, is acceptable in principle. The principle of the proposed demolition and its impact on the Naas ACA is considered below.

7.3. **Impact on Naas ACA**

Demolition

7.3.1. The structures for demolition are not protected nor are they listed under the National Inventory of Architectural Heritage (NIAH); however, they are located within the Naas Architectural Conservation Area (ACA). It is the policy of the Council (NLAP - Policy BH2) to protect the character of the ACA and to carefully consider any proposals for development that would affect its special value.

7.3.2. The architectural heritage and the overall condition of the Naas ACA is expanded upon in detail in the Naas Architectural Conservation Area, Statement of Character, which accompanies the NLAP. Section 5.1.5 of this document identifies vernacular houses and functional buildings built of simple materials in unpretentious style as an important component of the special character of the Naas ACA and states that demolition or replacement of vernacular buildings needs careful appraisal, justification, and consideration. Section 5.1.9 in respect of demolition, states that *there will be a presumption in favour of retaining any structure that makes a positive contribution to the character of the ACA to avoid incremental loss or damage to its special character.* This position is supported by the policies and objectives of both the KCDP 2023-2029 and NLAP 2021-2027, including but not limited to Policy AH P9 of the KCDP 2023-2029 which seeks to promote the protection, retention, appreciation, and appropriate revitalisation of the built vernacular heritage of the county.

7.3.3. Having considered the documentation on file, including the Archaeological, Architectural and Cultural Impact Assessment and photomontages submitted with the application and appeal, and having visited the area, I would be of the opinion that the existing 19th century buildings on site, are representative of the historic built fabric of Naas and as such contribute to the character and special interest of the

ACA. Therefore, proposals for their demolition and replacement need to be carefully considered and adequately justified. In this instance, I am not satisfied that the demolition of existing vernacular buildings on site has been adequately justified. To permit the demolition of vernacular buildings with the Naas ACA, particularly where alternatives to demolition have not been ruled out, would in my opinion adversely affect the character of the area and would therefore be contrary to policies and objectives of the KCDP and NLAP, including NLAP Policy BH2, and would be contrary to the proper planning and development of the area.

Proposed Replacement Structure

- 7.3.4. In this section I intend to consider the merits of the applicants' proposals for the redevelopment of the site, taking into consideration the local area plan objective to protect the character of the ACA area (NLAP Policy BH2). Regard is also had to Objective BH2.1 of the Naas LAP which seeks to ensure that new development, extensions, and renovation works within or adjacent to Naas ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features.
- 7.3.5. The proposed scheme, as originally presented to the planning authority, comprises five dwelling units in a single structure, fronting onto Gleann Na Greine, and backing onto an area of communal open space. Unit 5 (studio unit) extends into the first floor of the adjoining vernacular building on Dublin Road. The proposed structure is predominantly two and a half storeys with a height of 9.4m, stepping down to a two-storey height of c8m before connecting with the existing two storey building on Dublin Road, which is shown to a height of 6.3m. The proposed structure is to be finished in a painted render with slate roof. Four copper aluminium clad dormer windows are proposed in the structures northeastern (roadside) elevation, while the southern elevation incorporates private balconies as well as photovoltaic panels at roof level. The appeal documentation includes a revised design proposal for consideration by the Board. This revised proposal allows for the provision of two internal parking bays within the scheme. Parking is proposed in lieu of one of the ground floor apartments (Unit 2) thereby reducing the number of dwelling units in the

revised scheme to four. The parking bays are accessed via Gleann Na Greine, across a triangular section of hard surfacing, which is shown outside of the applicant's land holding and which appears to form part of the public domain.

- 7.3.6. The design approach taken by the applicants is set out in the grounds of appeal. It would appear from the details provided that the proposed structure was designed as an *'infill catalyst between the general character of the traditional street front on the Dublin Road and the much larger Lalor's hotel'* with the intent of providing a link between the two forms of architecture. However, having considered the plans etc submitted and having inspected the area, I am not satisfied that this was the correct design approach for this site.
- 7.3.7. The proposal seeks replace existing vernacular buildings within the Naas ACA. In my opinion, any replacement structure should be sympathetic to the setting and design qualities of these original buildings and, I consider, to the adjacent vernacular buildings on Dublin Road, which date from the same period and which are of similar scale and architectural form and design. On this point I refer the Board to Objective AH O63 of the KCDP 2023-2029 which seeks to ensure that new buildings adjacent to vernacular structures are of an appropriate design and do not detract from the character of these structures. To clarify, I do not consider that the new build should replicate existing buildings but that it should represent a considered response to the character and special characteristics of the ACA.
- 7.3.8. I refer the Board to the photomontages submitted with the first party appeal. These images illustrate the existing and proposed structures on site and how they 'fit' within the context of the surrounding development. The inclusion in these images of tall trees and landscaping in the public area to the front of the site is, I consider, unfortunate as it distorts the view of the proposed structure, concealing much of the structure's front elevation and design detailing. Notwithstanding, the modern extension to Lalor's Hotel and its positioning in respect of the appeal site is clearly visible in Views 1 and 2. While I note the proximity of the hotel to the appeal site, this structure, due to its height, scale, design, and material finish, is I consider distinct from the more traditional, unpretentious style of architecture evident at the junction of Gleann Na Greine and Dublin Road (including that of the appeal site). The attempt to

link the two forms of architecture has, in my opinion, resulted in a mix-match of architectural style and detailing, the result of which does not appear to 'fit' comfortably within the streetscape and would not, in my opinion, enhance the special character or visual setting of the ACA. I note for example the four copper clad dormer windows, which while appropriate in the context of the hotel structure, are not a feature of the vernacular architecture of the town. In my opinion the proposed dormer windows distort the scale of the proposed structure and would appear incongruous in the streetscape.

- 7.3.9. While I would have no objection, in principle, to an increase in ridge height at this location, in my opinion, greater consideration is required in relation to how the proposed structure relates to and connects with the existing vernacular structures on Dublin Road, along with a greater emphasis on fenestration pattern and architectural detailing (in terms of roof design, window to wall ratio, the design of external doors etc). In respect of the applicant's alternative design proposal, the provision of two large openings in the structures front (roadside) elevation, to facilitate parking, would in my opinion further detract from the design of the proposed structure, from the streetscape and from the overall character of the ACA.
- 7.3.10. Overall, I am not satisfied that the proposed structure represents a sufficiently high standard of architectural design to be deemed a suitable replacement for the existing vernacular buildings on site. I recommend that permission be refused on this basis.

7.4. Impact on Built Heritage

- 7.4.1. The application is accompanied by An Archaeological, Architectural and Cultural Heritage Impact Assessment, herein referred to as the AIA. The AIA indicates that the appeal site, as well as being located within the Naas ACA, is located within a zone of architectural potential and within the constraints area for the Historic Town of Naas Record of Monuments and Places (RMP KD019-030). It also notes that the site lies to the north of a protected structure (PS NS19-017) and that the town defences are listed as a recorded monument (KD019-030001).

- 7.4.2. Section 4 of the AIA comprises an Impact Assessment which assesses the likely significant impacts the proposed development will have on the baseline/receiving environment, prior to the implementation of mitigation measures. The AIA identifies potential impacts arising from works associated with demolition and ground reduction. As per the details provided, ground reduction across the site is expected up to c0.5m below present ground level to accommodate the new ground slab, with localised deeper excavation up to 0.1m for ground beams, services, and drainage.
- 7.4.3. Table 6 provides a summary of impacts and impact magnitude prior to mitigation. The AIA identifies a potential significant impact on the zone of architectural potential, the constraints area for the Historic Town of Naas RMP and on the town defences, with a moderate level of impact on the protected structure and ACA. The following mitigation measures are proposed to be undertaken:
- All ground reduction (including the removal of ground slabs as part of demolition), should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
 - If archaeological material is encountered, then it will be investigated and fully recorded. With NMS notified of any significant finds
 - A written report will be prepared detailing the results of all archaeological work undertaken.
- 7.4.4. It is evident from the AIA that there is potential for archaeological material at the subject site, therefore any development on site should, I consider, be subject to archaeological monitoring as recommended in the AIA. However, I am not satisfied that the AIA or the proposed mitigation adequately address the potential impact of the development on the protected structure (NS19-017). Regard is had to policies and objectives of the NLAP namely Policy BH1 and Objective BH1.1 which seeks to protect and preserve all structures or parts of structures contained in the Record of Protected Structures.
- 7.4.5. The Record of Protected structures (Appendix 6 of the KCDP 2023-2029) describes NS19-017 as a c12m long section of town wall dating to the medieval period, now incorporated within the walls of later structures, and forming party boundary between

Butt Mullins restaurant and adjacent property to the south. While all parties agree that the protected structure is located on lands associated with Butt Mullins restaurant, there does appear to be a degree of uncertainty as to the exact location of the structure and its relationship with the appeal site. Because of this uncertainty, I cannot be satisfied that the development of the appeal site as proposed, would not result in accidental damage to the protected structure. The proposed development would therefore be contrary to policies and objectives of the NLAP and to proper planning and development.

7.5. Parking Provision

- 7.5.1. The proposed scheme as originally presented to the planning authority, did not include proposals for the provision of car parking, which the planning authority considered contrary to the development management standards of the Kildare County Development Plan 2017-2023, (refusal reason 3 relates). The Kildare County Development Plan 2017-2023 has been superseded by the Kildare County Development Plan 2023-2029.
- 7.5.2. As per the car parking standards set out in Table 15.8 of the KCDP 2023-2029, the proposed residential scheme would require a maximum of 9 car parking spaces. The parking standards set out in Table 15.8 are maximum standards and it is stated within the plan that residential development in areas within walking distances of town centres and high-capacity public transport services should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. The Apartment Guidelines (2022) in respect of car parking, state that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.
- 7.5.3. Having regard to the limited scale of the development proposed and its location within Naas Town Centre, on a bus route (126 Rathangan to Dublin), and within easy

walking distance (200m) of public parking facilities, at Poplar Square, St. John's Lane and Friary Road (to facilitate visitors to the scheme), I consider a relaxation in car parking standards in part or whole to be acceptable in this instance.

- 7.5.4. To address Refusal Reason 3, the applicants (first-party appellants) have submitted a revised proposal which would allow for the provision of two car parking spaces on site in lieu of ground floor Unit 2. In addition to the design concerns raised above, I note that access to these parking spaces would necessitate works to and the use of land that is shown to be located outside of the applicant's landholding and which appears to form part of the public domain. Any such works would require the approval of the local authority / relevant landowner. The applicants have failed to demonstrate that they have sufficient interest in the lands concerned to carry out these works.

7.6. Residential Amenity.

- 7.6.1. On the issue of residential amenity, regard is had to the standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2022, which I consider applicable to the proposed residential scheme. It is of relevance to note that the Guidelines allow for a relaxation in standards for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, on a case-by- case basis and subject to the achievement of overall high design quality in other aspects. As the proposed scheme relates to the redevelopment of an urban brownfield site of c0.027ha, I am satisfied that such relaxations are permissible in this instance.
- 7.6.2. A Housing Quality Assessment was submitted with the application. Following consideration of this document and the plans submitted, I am satisfied that the development as proposed adequately complies with the minimum standards cited in the Guidelines and that as a result the proposed scheme would provide a sufficient standard of residential amenity for future occupants.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for reasons outlined below.

9.0 Reasons and Considerations

1.	<p>The subject site is located within the Naas ACA and consists of an arrangement of vernacular buildings which greatly contribute to the historic streetscape and setting. It is the policy of the Council under the Naas Local Area Plan 2021-2027 (Policy BH2) to protect the character of the Architectural Conservation Area and to carefully consider any proposals for development that would affect the special value of the ACA. Objective BH2.1 of Naas Local Area Plan 2021-2027 seeks to Ensure that new development, extensions, and renovation works within or adjacent to Naas ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features. Policy AH P9 of the Kildare County development Plan 2023-2029 seeks to promote the protection, retention, appreciation, and appropriate revitalisation of the built vernacular heritage of the county.</p> <p>The proposed development, by way of its design, scale and loss of historic and vernacular architecture would be contrary to Policy BH2 and Objective BH2.1 of the Naas Local Area Plan 2021-2017 and Policy AH P9 of the Kildare County Development Plan 2023-2029 and would, if permitted, set an undesirable precedent for similar such proposals, and would therefore be contrary to the proper planning and sustainable development of the area.</p>
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2.	<p>Having regard to the location of the subject site in close proximity to protected structure NS19-107 (town wall), the uncertainty regarding the exact location of the protected structure and its relationship with the subject site, and the nature of the proposed development which includes works of demolition and excavation, the board is not satisfied on the basis of the information available that the development of the site as proposed would not result in accidental damage to the protected structure. The proposed development would therefore be contrary to the policies and objectives of the Naas Local Area Plan 2021-2027 namely, Policy BH1 which seeks <i>to preserve and enhance the buildings identified on the Record of Protected Structures and to carefully consider any proposals for development that would affect the special value of such structures, including their historic curtilage, both directly and indirectly</i> and Objective BH1.1 which seeks <i>to ensure the protection and conservation of all protected structures (or parts of structures), including the curtilage and attendant grounds of structures contained in the Record of Protected Structures as listed in the Kildare County Development Plan</i>. The proposed development is therefore contrary to the proper planning and sustainable development of the area.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

13th September 2023