



An
Bord
Pleanála

Inspector's Report

ABP-314717-22

Development	Demolishing and re-building a house.
Location	Chapel Street, Louisburgh, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	211345
Applicant(s)	John, Mary & Austin Gibbons.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Thomas Guckian.
Observer(s)	None.
Date of Site Inspection	7 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1 This appeal relates to a two storey residential property located within 'The Diamond' (central crossroads) at Chapel Street, Louisburgh Co Mayo. The site has a stated area of 0.45 hectares and is occupied by a two storey terraced dwelling 60sq.m fronting onto the central crossroads within the town. Louisburgh is a coastal town on southern coast of Clew Bay along the R335 and R378 regional roads, approximately 21km west of Westport.
- 1.2 Louisburgh was founded in 1795 by Lord Altamont and is a planned town. It was designed to encapsulate a four-street system converging at a central crossroads known locally as "The Square" or "The Diamond" which provides a strong focal point also being at the highest point in the village. Each corner building on the square, including the appeal building has been specifically designed to orientate towards the square. The appeal site occupies the corner of Long Steet and Chapel Street to the eastern side of the square.
- 1.3 The appeal building is effectively landlocked to the rear with no direct access to the rear where a small outdoor space adjoins the building. Internally the building has been gutted with all first floor, partitions and ceilings removed. The roof is not original a replacement with manmade slate finish. The building has raised quoins at each end of the façade facing the square and a raised horizontal plaster band running through the centre of both facades and a raised plaster plinth. Openings at first floor level do not line up with ground floor openings. Application details suggest that the building once housed a sweet shop on the ground floor. Windows (top hung casement hardwood) and door (hardwood with tinted glazed side screen) to façade are modern replacements and gutters and downpipes are replacement PVC. A cast iron pipe remains to the rear. External finish comprises replacement cement render on the original rubble walls with raised plaster horizontal band and rendered plaster plinth running around the base of the building. Electrical wiring is visible on the front façade. Elevation from long street has no openings. A recess at first floor level internally suggests that there may have been a window opening at first floor level. Rear elevation has unrendered natural stone finish.

2.0 Proposed Development

2.1. The application seeks permission for the demolition and rebuilding of the existing house. A natural slate finish roof and black cast aluminium rainwater and drainage goods are proposed. It is proposed that the form, scale and height of the external walls will conform to the measured survey. Whilst it is proposed to reinstate window and door openings to Chapel Street, it is proposed to insert two windows to the Long street frontage.

3.0 Planning Authority Decision

3.1. Decision

Following a request for additional information and two subsequent requests for clarification of further information, and by order dated 7th September 2022, Mayo County Council issued notification of its decision to grant permission and 7 conditions were attached which included the following:

Condition 2. Detailed dimensioned drawings to be submitted for written agreement.

Condition 3. Construction Management Plan to be agreed to include details of mechanisms to ensure integrity of the adjoining building is not compromised and to ensure pedestrian and traffic movements are not compromised.

Condition 6. Restrictions with regard to construction hours.

Condition 7. Any damage to the footpath to be reinstated.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report noted concern with regard to the proposed demolition of the building given its historic character. Additional information required to include: a full survey of the building, including photographic survey internal and external. Report from a suitably qualified structural engineer regarding structural stability of the property and considerations in relation to adjoining properties. Proposal to be amended to provide for retention of the front facade at minimum.

Subsequent reports referred to the need for detailed structural reports, conservation report and detailed dimensioned structural drawings.

Final planning report asserts that the applicant has justified the demolition of the existing dwellinghouse including the front façade. Full scaled drawings should be subject to written agreement. Permission was recommended as per subsequent decision.

3.2.2. Other Technical Reports

3.2.2.1 Preliminary flood risk assessment report – No further flood risk assessment required.

3.2.2.2 Municipal District Architect's report notes that the 200 year old attractive vernacular house has suffered loss of some original features which could easily be reinstated. (sliding sash timber windows and door, natural slate roof, a chimney) No survey submitted or information regarding outdoor space. Prominence of the building is not acknowledged. Drawings are inadequate and there is no assurance that roof pitches will match existing. Further information required.

3.2.2.3 Following response to request for additional information architects report deems the response to be insufficient. Notes that the structural report refers to cracks within the building being category 2 and 3 which require repair only and not necessarily demolition. While report refers to the building as being dangerous no specific evidence is provided to substantiate this claim.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

3.4.1 Submission from Michael Ring TD supports the application which will be an enhancement to the town Centre in Louisburgh.

3.4.2 Submission from Mr Tom Guckian, Lowparks indicates no objection to the development of the property however demolition inappropriate as the structure is a 220 year old structure and one of the original structures built when the town was founded in 1795. The square was formed in the shape of an Octagon. This house,

that next door and Gaffney's have graduated height reduction to compensate slope which forms part of that octagon. The integrity of this octagon will be damaged and this will be the first building on the octagon not original if it is demolished. Owners of the adjoining house refurbished it in late 90s retaining all original walls. Quality of the stone work is excellent with lime cement pointing still intact on all exposed stone with notable building features. Some of the walls in the property are 3 feet in thickness.

Concerns also that the proposal will compromise adjoining dwelling. Proposed demolition will be retrograde step for Louisburgh in one of its outstanding features "The Square."

4.0 Planning History

No Planning History on the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Mayo County Development Plan 2022 refers.

The site is within the town centre inner core and within the core shopping area.

At Section 9.4.2 of the Plan Sustainable Buildings it is set out that

"Buildings form a valuable part of our historic building stock, yet most are not protected structures. On environmental grounds and in the interest of sustainability and locking in carbon, the Plan encourages the reuse of as much of an original building/ structure as is possible. Raw material shortages will become a critical factor over the next 10 to 20 years and already major companies worldwide are switching to recycling old concrete, steel, glass, etc. Demolition and rebuilding generates significantly greater amounts of carbon. The Plan promotes the re-use and re-purposing of extant building stock on these grounds."

Sustainable Buildings and Structures Policies

BEP 15 *“To support and promote retaining built urban fabric/structures in towns and villages, in the interest of sustainable development in the national and global context of locking in carbon. “*

BEP 16 *“To promote and support the re-use and re-purposing of extant building stock, in the first instance, over demolition and rebuilding building, where practical, with reference to the loss of our historic building stock, sense of place and the environmental cost.”*

5.2. Natural Heritage Designations

5.2.1 The site is not within a designated area. The nearest such sites are the West Connaught Coast SAC (Site Code 002998) which occurs within circa 1.3km to the northwest of the site and Old Head Wood SAC 000532 c.1.3km to the northeast.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Thomas Guckian, Lowparks, Boyle Co Roscommon. Grounds of appeal are summarised as follows:

- No objection to the refurbishment of the property which is welcome. Concern is regarding the loss of history fabric and potential negative impact on adjoining property.

- Loss of historical integrity and merit of the 225 year old town square which has all the original structures.
- Lack of independent reports to provide evidence of the need to demolish the structure.
- Potential structural impact on the neighbouring property not addressed.
- The initial structural engineer's report dated May 2022 indicated category 1, 2 and 3 cracks which according to the appendix chart are all repairable. There were no reports of Category 4 or 5 cracks which would be significant to the integrity of the structure. Following query on the merit of knocking the front and side walls the edited report suggested that the accumulation of cracks and condition of the wall make it unsuitable for repair. Revised engineer's second report was based on a single visit to the site to prepare the original report.
- It would seem less expensive to demolish than to retain the existing structure.
- The property next door (F28PX36) on Chapel Street and property opposite F28RD40 and F28EC52 known locally as Morrisons are both from the same construction period 1795 and both have been gutted from inside and refurbished with the entire original structures maintained during the past 25 years. Neither have shown any structural defects since.
- While Mayo County Council requested an analysis of the structure of adjoining properties to determine if works could be carried out without adversely compromising them revised Engineers report stated that the proposed works can be carried out without adversely compromising adjoining properties without carrying out a second site visit.
- Assurance is casual and convenient and in contradiction to the suggestion that the outer walls are in danger of collapse thus require demolition. Surely this would be the same for the gable walls and adjoining walls also and thus the merits a structural plan to ensure that the adjoining properties structure are not compromised.
- Reference is made to fire damage to chimney gable wall adjoining neighbouring property and cracks considered category 2 type cracks (as reported in front wall)

- The building forms of the facades of the original diamond shaped streetscape built by Lord Sligo between 1795-1798 and to date all facades that make up the diamond are original and intact. To remove one of the original facades on questionable evidence of being a possible danger to the public would be retrograde to the retention and the integrity of the late 18th century square.

6.2. Applicant Response

6.2.1 Submission by Paul Roddy, Architectural Technician and Langan Consulting Engineers on behalf of the applicant is summarised as follows:

- The removal of an unstable structure and its replacement with a matching equivalent will not impact on the integrity of the town square.
- As set out at 2.2.1 of the revised engineers report the wall poses a health and safety risk. Generally, type 3 cracks can be repaired without the need for full wall replacement however in this instance the accumulative effect of the (a) frequency and size of the cracks, and (b) the overall integrity of the wall and (c) the loss of bearing in beams over the window opes and (d) the walls suitability of the construction of temporary works to enable minor repair works is such that Langan Consulting Engineers understand minor repair works is not an option and the only solution to remove the health and safety risk is to replace the entire wall. The revised engineers report clearly communicates this opinion.
- It is confirmed that a second inspection of the building was carried out on the 16th August 2022 in advance of preparing a revised Engineers report. The inspection was carried out by Mr James Langan and Mr Gerry Cawley of Langan Consulting Engineers.
- Contrary to the suggestion within the grounds of appeal the revised engineer's report relates solely to structural issues and at no time in the report is the economics of construction discussed.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

No submissions.

7.0 Assessment

7.1. Clearly the reversal of dereliction and the reinstatement of the residential use on the site is welcomed by all parties. The key matters raised in the appeal relate to the principle of demolition of the structure and the potential impact on adjoining properties. The third party appellant notes the historical significance of the appeal site as it forms an integral component of “the Diamond” constructed between 1795-1798 and also notes that adjacent structures have been successfully refurbished in recent years. I note the policy context of the Mayo County Development Plan in particular BEP 15 and BEP 16 which promote the retention of existing built fabric in the first instance over demolition where practical with reference to the loss of our historic building stock, sense of place and the environmental cost. I note that the structure nor adjoining structures are protected structures nor is it within an Architectural Conservation Area nor do they appear in the National Inventory of Architectural Heritage.

7.2. The submissions on behalf of the first party specifically the structural condition report by Langan Consulting Engineers note that some demolition works were carried out by the previous owners. Reference is made to cracks occurring on the external structural elements throughout the building considered as category 2 type cracks by reference to BRE 251 1995 *“Assessment of damage in low-rise buildings, with particular reference to progressive foundation movement.”* *Category 2 type cracks are defined as “Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks are not necessarily visible externally, some external repointing may be required to ensure weather tightness. Doors and windows may stick slightly and require easing and adjusting, Typical crack widths up to 5mm.”*

- 7.3. *The report also notes that “A section of roof coverings show signs of recent repair. Cracks were noted on the chimney most likely arising from thermal dynamics. Internally some cracks were identified on the internal face of the external wall. These were considered to be category 3 type cracks [Ref BRE 251 1995].” (Category 3 type cracks are described as cracks which require some opening up and can be patched by a mason. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes may fracture. Weather tightness often impaired, Typical crack widths up to 5mm.) It is also noted that “Evidence of fire damage on chimney wall considered to be category 2 type cracks. Deformation was identified on the timber members of the roof.”* The conclusion of the report is that the condition of the front wall is such that it poses a significant health and safety risk to the public. The existing roof structure is in poor condition and should be tested for dry rot in advance of development works. Fire has damaged the integrity of the party walls.
- 7.4. I note the submission by Langan Consulting Engineers on behalf of the first party in response to the appeal assert that while type 3 cracks can be repaired without the need for full wall replacement, however in this instance the accumulative effect of (a) the frequency and size of the cracks, (b) the overall integrity of the wall. (c) the loss of bearing in beams over the window opes and (d) the walls suitability for the construction of temporary works to enable minor repair works is such that Langan Consulting Engineers understand that minor repair works is not an option and therefore the entire wall is to be removed.
- 7.5. I also note the Conservation Report by Paul Roddy submitted in response to further information request and received by Mayo County Council on 1 June 2022 which addresses the main features of the building including alterations over time and asserts that very little historic fabric remains.
- 7.6. Having assessed the detailed information provided in the submissions to the local authority I consider that on balance based on the certified structural defects and the extensive works carried out on the building and non-original features of the existing

building, demolition has been justified. I note that the replacement structure will reinstate the same character and will not in my view adversely affect the character of the area.

- 7.7. As regards the potential impact on adjoining properties, I note that the employment of suitably qualified construction professionals and the adoption of standard best practice construction methods will ensure that adjoining properties are not compromised during works.
- 7.8. I note that the dwelling does not have the benefit of any directly accessed private open space and in any case the rear yard area is minimal and would not provide a good standard of residential amenity. The new dwelling maintains the footprint and access as the existing structure. I note that this is in any case a new issue in terms of the appeal.
- 7.9. On the issue of appropriate assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to the nearest European site (the west Connaught coast SAC and Old Head Wood SAC located in excess of 1.3 kilometres to the north-west and north-east of the site respectively, 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 have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of the planning authority and grant permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the location and derelict character of the site and the pattern of development in the area, it is considered that the proposal would be compatible with the visual and residential amenities of the area and would not impact unduly on the residential amenities of adjacent properties or character of the area. No appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by further plans submitted on 7th day of March 2022, 1st day of June 2022 and 18th day of August 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit the following for written agreement of the Planning Authority:

Detailed dimensioned drawings to a scale of not less than 1: 50 showing details of traditional eaves detailing, roof details, chimney, sliding sash timber windows, traditional timber door, plaster details, construction details with respect to window reveals and details of the junctions to the existing adjacent roofs.

Reason: In order to ensure an appropriate standard of restoration works.

3. Details of the materials colours and textures of all external finishes shall be submitted to and agreed with the planning authority prior to commencement of development. Roof covering shall be natural slate.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects," published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. The construction of the development shall be managed in accordance with a construction management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall

provide detail of intended construction practice for the development, including hours of working, noise management measures and off site disposal of construction /demolition waste.

Reason: In the interest of public safety and residential amenity.

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.

Bríd Maxwell
Planning Inspector

12th June 2023