



An
Bord
Pleanála

Inspector's Report ABP 314902-22

Development	Retention of ancillary domestic structures, demolish storage building and construction of a hobbies building.
Location	Scart House (Protected Structure), Scart. Castlecove. Co Kerry.
Planning Authority	Kerry Co. Council.
Planning Authority Reg. Ref.	22/833.
Applicant(s)	Donal Daly
Type of Application	Permission.
Planning Authority Decision	Split Decision.
Type of Appeal	First Party
Appellant(s)	Donal Daly.
Observer(s)	None.
Date of Site Inspection	December 16 th , 2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located southeast of Castlecove in Co. Kerry and is accessed off the N70 via a short treelined avenue. The site accommodates a Georgian house with outbuildings to the rear.
- 1.2. The house, which is a Protected Structure, is a two-storey building with attic accommodation. It is accessed from first floor level by a series of granite steps. To the rear of the house there are outbuildings which are located perpendicular to the house. Various modern interventions have taken place including timber decking and a pergola on the west side of the house. At a lower elevation to the northwest a glass house and wooden structure (garden room) have been erected and a wooden structure to the rear.
- 1.3. The area is rural in character with isolated residential development. The closest development is a residential dwelling to the east.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted with the application seeks permission for the following:
 - Retention of existing ancillary domestic structures (workshop/hobbies and storage building, glasshouse and garden room).
 - Permission to demolish existing storage building and replace it with a new garden/sunroom, hobbies/music studio and utility building, including a reduction in the size of the existing workshop/hobbies and storage building and associated site works.

3.0 Planning Authority Decision

3.1. Decision

The planning issued a split decision as follows:

1. To grant permission to retain existing ancillary domestic structures (workshop/hobbies and storage building, glass house and garden room subject to 4 no. standard type conditions.
2. To refuse permission to demolish the existing storage building and to replace it with a new garden/sunroom, hobbies/music studio and utility building including reduction in size of existing workshop/hobbies and storage building and associated site works for the following reason:

The proposed development would have serious impacts on the protected structure (RPS Ref 107-1, NIAH Ref No 21310701) which is of Architectural, Artistic, Historical Importance. The proposed development, by reason of its design and layout, would seriously detract from the setting and character of the protected structure in a manner that would be contrary to the Architectural Heritage and Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011, and contrary to objective KCDP 8-40 and KCDP 8-42 of the Kerry County Development Plan 2022-2028. The proposed development would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of 27/9/22 notes that the retention of the structures as they currently exist maintains the original character of the outbuildings to the rear of the structure with little deviation from their original form and layout, as can be seen from the Cassini 25 inch map (dated c 1890s). The use of these structures is also ancillary to the main dwelling.

The outbuildings proposed for demolition, namely the entirety of the northern elevation of the existing structure are original features of the original outbuildings. This level of demolition within the curtilage of the protected structure is considered excessive and unacceptable. These original features should be retained and incorporated into the overall design of any proposal.

The proposed design would not be respectful of the protected structure and would have a significant visual impact on it and its associated structures and surroundings. The level of redesign required would be in excess of what would reasonably be requested as further information. It is therefore considered that this aspect of the proposal should be refused.

3.2.2. **Other Technical Reports**

Biodiversity Officer: Having regard to the nature, scale and location of the development there is no requirement for EIA Screening or EIA.

The development involves minor development works which are geographically removed from European sites. Having regard to the nature, scale and location of the development, the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on any European sites.

County Archaeologist: There are no recorded monuments in proximity to the proposed development which has previously been disturbed. No mitigation is required.

Uisce Eireann: No objection.

4.0 **Planning History**

No details of any relevant planning history relating to the site has been forwarded by the planning authority or by the applicant.

5.0 **Policy and Context**

5.1. **Development Plan**

The operative development plan is the **Kerry County Council Development Plan 2022-2028**, which was adopted on July 4th, 2022 and came into effect on 15th August 2022.

Section 8.4 (Built Architectural Heritage) contains the objectives regarding the protection of built heritage of the county including Protected Structures. The following objectives are considered relevant:

Objective KCDP 8-40: Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscaped features and views is compatible with the special character of that structure.

Objective KCDP 8-42: Prohibit demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure.

Volume 3 of the Plan contains the Record of Protected Structures.

5.2. **Natural Heritage Designations**

5.3. Kenmare River SAC (Site code: 002158) lies c 450m to the west and south.

5.4. **EIA Screening**

5.5. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The Kerry County Development Plan specifically refers to the protected structure at Scart as being a Detached House with no reference to the ancillary structures on the site.
- The record/description from the National Inventory of Architectural Heritage refers to the main house and its features with no reference to ancillary structures on the site.
- Refusal on the grounds of Objective KCDP 8-42 is not applicable in this instance as it specifically relates to alterations and replacement of elements of

protected structures. None of the works on the site relate to the protected structure.

- Regarding Objective KCDP 8-40, it is not considered that the proposal is incompatible with the protected structure on the site and request that the proposed reconstruction of the existing ancillary building be granted.
- If An Bord Pleanála have reservations with the original design, the applicant is willing to amend the design in accordance with the drawings attached.

6.2. Planning Authority Response

- No response to the grounds of appeal were forwarded by the planning authority.

7.0 Assessment

7.1. Introduction

Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Impacts on the Protected Structure
- Appropriate Assessment

7.2. Impacts on Protected Structure

- 7.2.1. The application seeks the retention of a glass house, garden room and workshop/hobbies and storage building. It also seeks permission to demolish an existing storage building and replace it with a new building which would be used as a garden/sunroom, hobbies/music studio and utility building. The provision of this new building would also involve a reduction in the size of the existing workshop/hobbies and storage building on its north side. The question that arises for determination by the Board in this case is whether the development as proposed would impact negatively on the character and setting of the protected structure.

- 7.2.2. The appellant considers that the protected status is confined to the house and does not include any other buildings or structures on the site. Clarity is provided under section 2 of the Planning and Development Act, 2000 (as amended), which expands on the definition of 'structure' to include 'protected structure'. Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and fitting which form part of the interior or exterior of all these structures. The protected status therefore extends to the outbuildings at the rear of Scart House.
- 7.2.3. The glasshouse to be retained is located at the lowest level within a field which lies adjacent to the house on its west side. The garden room is located within the same field and while it is at a higher elevation, it is largely screened from view by rising ground to the east. Both structures, which are located at a distance from the house and at a lower elevation, are low impact and do not detract from the character or setting of the protected structure. I have, therefore, no objection to their retention.
- 7.2.4. The remaining part of the proposal is concerned with outbuildings immediately behind the house. Part of the original outbuilding (northern section) has been removed and replaced by a wooden structure. While I consider that the loss of the original building, which was part of the original ancillary structures associated with the house is regrettable, due to its scale and location, it is screened in views from the protected structure. As part of the proposal, it would be reduced in size to facilitate the construction of the new building.
- 7.2.5. The proposal is to replace the remaining southern section of the outbuilding with a new modern structure. This new structure would replace the traditional elements of the building, replacing the narrow plan with a deep plan and wide gables. It would alter the ratio of solid to void associated with the outbuildings and the traditional style pitched roof would be replaced by a lean-to.
- 7.2.6. Scart House is rated of Regional Importance in the NIAH and of Architectural, Artistic and Historical significance. The house is stated to have been built c 1823 and I note that the historic OS maps (1837-1842) show outbuildings in a similar arrangement to those at the back of the house. Subsequent OS Maps indicate that these outbuildings remained in place until the 1990's, when the northern section was

replaced by the existing wooden structure, which now accommodates the store and workshop/hobbies building.

7.2.7. The existing outbuilding lies within the curtilage of the protected structure and is of significance due to its historic and ancillary relationship with the original house. It has a traditional elongated plan and stone walls which match the external stone finishes of the house. The proposed demolition of this outbuilding and its replacement with a more modern construction would result in the loss of its original fabric and the overall design and scale would interrupt the relationship that exists with the house. I consider that the planning authority's concerns regarding the level of demolition proposed and the failure to incorporate the original features of the building into the overall design are not unreasonable.

7.2.8. The Board will note the revised drawings submitted with the appeal, which introduce 3 no. options to amend the design, including the incorporation of stone cladding in the north east side elevation, removal of high level windows and replacement of the mono pitch roof with an 'A' roof. While I accept that the options proposed help to mitigate the level of impact. I consider that the overall proposal remains unacceptable in terms of the level of intervention proposed and its impact on the character and setting of the protected structure. I concur with the decision of the planning authority that permission for this element of the development should be refused.

7.3. **Appropriate Assessment Screening**

7.3.1. Having regard to the modest nature and scale of the proposed development, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that the Board should issue a split decision in this case as follows:

- a) grant permission for the retention of the glass house, garden room and workshop/hobbies and storage building, and

- b) refuse permission for the demolition of the existing storage building and its replacement with a new garden/sunroom, hobbies/music studio and utility building including a reduction in the size of existing workshop/hobbies and storage building and associated works, and

9.0 Reasons and Considerations (Schedule 1)

Having regard to the established use of the site for residential purposes, it is considered that the retention of the glass house, garden room and workshop, having regard to their location and position relative to Scart House would not detract from the character or setting of the Protected Structure and would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 24th day of October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Any external lighting shall be suitably cowled to prevent spillage outside the site.</p> <p>Reason: In order to control light pollution in the rural environment.</p>

4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
----	---

11.0 Reasons and Considerations (Schedule 2)

1. It is considered that the demolition of the existing storage building and its replacement with a new garden/sunroom, hobbies/ music studio and utility building including a reduction in the size of the existing workshop/hobbies and storage building would, by reason of its overall scale and design, and the level of intervention proposed, which would result in the loss of the original outbuilding and its relationship with Scart House, would be contrary to Objectives KCDP 8-40 of the Kerry County Development Plan 2022-2028. It is considered that the proposed development would adversely impact on the

character and setting of the Protected Structure and would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Breda Gannon
Planning Inspector

14th January 2024