



An
Bord
Pleanála

Inspector's Report ABP315515-23

Development

A. Renovate and make changes to elevation and internal layout of existing dwelling, incl. addition of roof windows to front and rear. B. Demolish existing single storey porch and chimney to rear of dwelling, and, C. Replace an existing flat roof over a section to the rear of the dwelling, with a pitched roof, and all associated site works.

Location

Main St., Tulla, Co. Clare.

Planning Authority

Clare County Council.

Planning Authority Reg. Ref.

22/931.

Applicant(s)

J. and M. Minogue.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party.

Appellant(s)

J. and M. Minogue.

Observer(s)

None.

Date of Site Inspection

19th June 2023

Inspector

Aisling Dineen.

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1.0 Site Location and Description

- 1.1. The site is located in the town of Tulla, in Co. Clare. It is positioned on the South side of Main Street within a small terraced grouping of buildings. One of the entrances to O'Reilly Park is directly opposite the appeal site.
- 1.2. The site contains a mid-terrace house with a rear garden and a rear storage building. The front of the dwelling adjoins the public footpath. There is a small attached building on the adjacent site to the west, which appears to be a storage building. The attached building to the east has an established ground floor veterinary clinic use. The remaining buildings within the terrace appear to be under residential use.

2.0 Proposed Development

- 2.1. It is proposed to renovate the existing terraced dwelling and make changes to the internal layout of same. At the rear of the dwelling, it is proposed to demolish an existing single storey porch and chimney and to replace the flat roof element with a pitched roof. It is proposed to insert new roof windows on both the front and rear elevations (Note: The 2 No roof lights proposed on the front elevation are subject of this appeal).

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to grant planning permission on the 8th December 2022 subject to 3 No conditions.

Condition No 2 stated the following:

Prior to the commencement of development, the applicants shall submit the following for the written agreement of the planning authority:

- (a) Revised front elevation drawings removing the proposed roof lights at attic level.

(b) If necessary, revised rear elevation drawings providing for a compensatory increase in the attic roof light size.

Reason: In the interest of visual amenity and to protect the character of the Conservation Area.

The Chief Executives Decision reflects the planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planner's Report

The site is zoned 'Mixed Use' and is within the Tulla Architectural Conservation Area (ACA).

Policy 15.5 under the Clare County Development Plan 2017 – 2023 is cited, which refers to ACA's.

There will be no impact on residential amenity of property in the area.

The access/traffic arrangements remain the same.

Conservation Officers report is referred to regarding the Tulla ACA, which recommends that the front elevation roof lights be removed. The planners report states that a compensatory increase in the size of the rear roof lights can be accommodated.

3.2.3. Other Technical Reports

3.2.4. Architectural Conservation Officer Report

Policy 15.3.4 of the Clare County Development Plan 2017 – 2023 is cited, relating to Architectural Conservation Areas (ACAs).

The existing building is marked on the 1880 25-inch OS map (Map attached to report). There has been a row of buildings at this location at least since the 1840s.

No objection in principle to the proposed development but it is recommended that the roof lights on the front elevation be omitted to preserve the visual coherence and character of the street scape and terrace. There is no objection to the extension to the rear or roof lights to the rear.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

Clare County Development Plan 2017 – 2023 was the operative development plan at the time the planning authority made its decision.

The Clare County Development Plan 2023 – 2029 came into effect on the 20th April 2023.

Tulla is designated as a 'Small Town' in the Killaloe Municipal District Settlement Plan.

Objective 15.5 Architectural Conservation Areas, states that it is an objective of the plan:

- A. To ensure that new developments within or adjacent to an ACA respect the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;
- B. To protect existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA, from demolition or removal and non-sympathetic alterations;
- C. To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that is complementary to the character of the ACA;
- D. To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

Policy 15.3.4 - Architectural Conservation Areas (ACAs):

Architectural Conservation Areas are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The ACA provision is complementary to the Record of Protected

Structures. The spatial character of ACAs can be the basis for their designation and development proposals must enhance and support the definition of that space. The designation of an area as an ACA is not intended to bring excessive restrictions on development in that area, but rather to be a positive influence, to ensure that new developments make a positive contribution to an area that has been identified as being of significant importance. The aim is to retain the overall special architectural or historical character of an area or place.

Appendix 4: Tulla ACA Description

Excerpt: The element which contributes most to the character of Tulla is its unusual elevated position, high above the surrounding landscape, which is reminiscent of fortified hill villages of the Iberian and Italian peninsulas. The streets, which slope down from the centre sit easily on this hillside location by the use of incremental variations in floor and roof levels, giving a “deck of cards effect” to the terraces of two storey shops and houses. The buildings of Tulla are predominantly two storey, gabled, two and three bay houses dating from the 18th and 19th centuries. Many contain early wooden or plaster shopfronts with ornate moulding and detailing.

Tulla Village Design Statement:

‘Of greater significance than the individual buildings within the village is the streetscape, the terrace buildings that follow the distinctive contours of the village location. Any change of use or structural works to an individual building unit within the streetscape must recognise the cultural and character significance of the greater grouping of street buildings’.

5.2. **Guidelines**

Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

5.3. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located c. 3.5km southeast of Newgrove House SAC (Site code 002157) and c. 2.5km south of Slieve Aughty Mountains SPA (Site code 004168).

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- Regarding Condition No 2 the location form and function of the roof lights were carefully considered at design stage and each roof light holds a separate function to the space that they serve.
- Roof lights reduce energy consumption and enhance liveability.
- The South facing roof measures 25 sq. m. and has potential to accommodate 10-12 solar panels.
- The negative impacts of 2 No dormer roof lights is a concession to a more elaborate dormer proposal.
- Any loss to the visual cohesion of buildings that form part of Main St., Tulla are mixed with positive effects of natural lighting and solar power in reducing the property's carbon footprint.
- The attic space above the front bedroom is paramount to the enjoyment of the property and the attic space at the storage space is unworkable without the benefit of natural light and ventilation.
- Sustainable living and the utilisation of existing spaces in our towns and villages is encouraged by the County Development Plan, and the County Clare Rural Design Guide, 2005; Chapter 9, Section 9.4.22 Roofs is referred to.
- Drawings submitted indicate the form, flow and functionality of the roof lights.

- Storage requirements could not be met by extending to the rear of the property.
- Surveys of the attic space were completed for the purpose of storage.
- The Architectural Conservation Officers (ACO) report presents a definition of the ACA, however the requirement to assess the proposal as a family home and future use of attic space was omitted in the report that recommended the removal of two conservation rooflights with central glazing bars on the front elevation.
- The observations offered by the ACO to the Executive Planner are questionable as they are solely based on a desk top exercise on the 6th December 2022. The subject property is unavailable to view on Google Maps.
- Section 15.3.4 of the Clare County Development Plan is cited and it is stated that the designation of an ACA is not intended to bring excessive restrictions on development in that area, but rather to be a positive influence.
- The interpretation of policy 15.3.4 is subjective and reliant on personal preferences of individual officers.
- Regarding vernacular heritage and CDP 15.4 it is an objective of the development plan to refurbish vernacular structures. The applicants and design consultants adopted a conservative approach to the proposed renovation, which closely adhered to the Clare County Development Plan and the *Architectural Heritage Protection – Guidelines to Planning Authorities*.
- Any negative effects would be limited and a re-evaluation of the requirement of Condition No 2 is requested.

6.2. Planning Authority Response

In addition to comments made under the planners report the planning authority made the following observations under the appeal.

- The appeal questions the methodology of assessment of the Conservation Officer and notes that the property is unavailable to view on Google Street Maps.

- The desk-based survey undertaken included but was not limited to a review of Ordnance Survey 6" maps (c. 1843) and 25" maps (c. 1880) and the general recommendations for Tulla Town Centre, as set out in the Tulla Village Design Statement.
- The Conservation Officer also brought to bear their high level of familiarity with the streetscape in the vicinity.
- The board will note that the photographs taken on the 28th October 2022 were available to the Conservation Officer at the time of the assessment.
- The availability or otherwise of Google Maps of the property did not impact the quality of the assessment.
- The planning authority is aware of the challenges involved in balancing the modernisation of buildings with the protection of architectural heritage.
- The proposed roof lights on the front elevation, when considered in the context of the surrounding streetscape is considered to be a non-sympathetic alteration to the building, and as such is not compliant with Objective 15.5 of the Clare County Development Plan 2017 -2023.

6.3. **Observations**

None

6.4. **Further Responses**

None.

7.0 **Assessment**

- 7.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authorities' grant of permission and conditions set out thereunder and I am satisfied that no other substantive issues arise. AA also needs to be considered.

The main issues, therefore, are as follows:

- General
- Condition No 2
- Appropriate Assessment

7.2. General

7.3. Having regard to the nature and scale of the development and the specific issues arising, that being, a first party appeal against Condition No 2 of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). There are no third-party appeals relating to the planning authority decision and the planning authority did not receive any observations or objections at application stage.

7.4. This assessment will therefore be confined to the specific appeal of Condition No. 2 of the planning authority decision.

7.5. Condition No 2

7.6. The appeal site is situated within the Tulla Architectural Conservation area. The planning authority has set out clear policies regarding the protection of the architectural character of same.

7.7. The appellant has raised reasonable issues regarding the functionality of the building, the requirement for storage, given the restricted space within the dwelling and the necessity for daylight in the attic roof space. I concur with these arguments and I note that it is generally recognised that the best method of conserving a historic building is to keep it in active use as per section 7.3 of Architectural Heritage Guidelines.

7.8. The appellant has raised concerns regarding the Conservation Officer's report, stated to be a desk top report and the lack of clarity of Google maps relating to the property is questioned. In response to this the planning authority have submitted that the Conservation Officer had sight of the planning officer's photomontage at the time of report writing. The planning authority also reference the Conservation Officer's high level of familiarity with the streetscape in question. I am of the viewpoint that It

is clear that the Conservation Officer was fully appraised of the ACA, the streetscape and of structures therein at the time of report writing and I would have no issue about the quality of the report in question.

- 7.9. The appellant raises concerns regarding condition no 2 and states that the rear south facing roof space is intended for use for 10 to 12 photovoltaic solar panels, therefore the condition imposed by the planning authority would inhibit such plans. I note that there is a rear store within the site boundary with similar aspect as the roof profile in question. Roof mounted solar panels could be considered thereon. I don't consider this to be a reasonable argument against Condition No 2.
- 7.10. Section 3.10 of the Guidelines above require that the palette of materials and typical details for façades and other surfaces should generally reinforce the area's character, when assessing proposals within ACAs. I note that the proposed development generally is sensitively designed with regard to the ACA. Therefore, the question as to whether the introduction of 2 roof windows on the roof of the subject dwelling would materially impact the character of the ACA requires assessment.
- 7.11. The subject building is part of a terrace of four terraced buildings. Such 18th and 19th C. terraced buildings, are replicated throughout the Tulla ACA. The Tulla Village Design statements refers to these as terrace buildings that follow the *distinctive contours of the village location*. The Conservation Officer states that the front roof lights should be omitted in order to preserve the visual coherency and character of the street scape.
- 7.12. I note that, on the date of inspection, there did not appear to be any roof lights inserted on front roof profiles along Main Street. However, I did note one dwelling with roof lights on the front roof facade, also within the ACA, but off Main Street. I did not consider that the roof lights in question detracted from the character of the ACA.
- 7.13. I acknowledge that there was a basic level of detail submitted under the plans and documents submitted as part of the planning application regarding the form and design of the proposed roof lights and how it would integrate within the roof space. This is remiss particularly given the fact that the building is within an ACA. The front elevation drawings indicate that the window pane of each roof light measures c. 0.7 metres in width. The entire casing of each window brings the overall width to c. 1 metre.

- 7.14. I consider that, given the modest nature of the building in scale terms and the established roof profile, which requires consideration as part of a terrace in addition to as an individual roof, that if permitted, each pane should not be greater in width than 0.7 metres. I note that having assessed the front roof elevation drawing submitted, that the casing of the proposed roof light appears to add bulk and appears to lack sensitivity to the context of the site within the terrace and within the ACA. While the appeal submission contains an image of a conservation window, the exact details in terms of measurements are not submitted to support it. I am of the viewpoint that more specific design details could be submitted and agreed with the planning authority, which would enable the introduction of sympathetically designed roof lights.
- 7.15. Overall, I do not consider that 2 No appropriately designed and sized roof lights would detract from the character of the ACA if permitted.
- 7.16. I also note the requirement to bring historic buildings into functional use and up to modern day standards.
- 7.17. I consider that condition No 2 should be amended as set out herewith.
- 7.18. Appropriate Assessment
- 7.19. Having regard to the minor nature and scale of the proposed development, which relates to alterations to an existing house in an established and serviced residential 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.

8.0 Recommendation

It is recommended that the Board consider the appeal in the context of s.139 of the Planning & Development Act 2000 (as amended). It is further recommended that the Board direct the planning authority to amend Condition No. 2 as indicated hereunder.

8.1. Decision

Having regard to the nature of the condition, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 2 as indicated hereunder with reason.

9.0 Reasons and Considerations

In relation to Condition No. 2, it is considered reasonable to allow 2 No roof lights on the existing front façade of the building, in the Tulla Architectural Conservation Area, without materially compromising the character of the ACA. The proposed roof lights would not adversely or materially impact on the character of the building or streetscape, and would, therefore, be in accordance with the proper planning and sustainable development of the area. However, the Board considers that each window pane should be no larger than the panes indicated on documents lodged and that details of size and design should be agreed with the planning authority. It is therefore determined that Condition No. 2 shall be amended.

2.	<p>The proposed rooflights to the front elevation shall be of conservation type, window panes shall be no larger than as submitted on elevations lodged with the planning application. Details shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: To protect the character of the architectural conservation 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.'

Aisling Dineen
Planning Inspector
28th June 2023