



An
Bord
Pleanála

Inspector's Report

ABP-315834-23

Development

Retention of alterations to permitted development (20120653) consisting of changes to the cladding of private open space privacy screens to include metal cladding and railing system to the southern elevation, the construction of a metal cladding gable roof to the second floor, permission to complete structure including changes to western cantilevered bay cladding system and main western building facade and ancillary works

Location

Gorey Corporation Lands, Gorey, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20221544

Applicant(s)

Eileen Donoghue.

Type of Application

Retention and Permission.

Planning Authority Decision

Grant

Type of Appeal

Third-Party

Appellant(s)

Aidan Glennon.

Observer(s)	None.
Date of Site Inspection	8 th June 2024
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site consists of a 3-storey building on a minor lane off Church Lane, Gorey. The site is approximately 140m from the main street of Gorey. The building includes a commercial unit on the ground floor, which appeared to be unoccupied at the time of site inspection. There is a duplex residential unit on the first and second floors.
- 1.2. The building has a projecting bay on the first and second floors. The ground floor elevation has a brick finish, and the upper floors are a mixture of timber, stone and bronze-coloured cladding. The side elevation includes metal cladding screens. The roof is finished with powder-coated cladding.
- 1.3. A mix of commercial and residential development characterises the area around the site. The front elevation of the subject building faces the rear amenity space of a residential building. There is a mixed-use commercial building adjoining the subject building. To the south of the site, a new three-storey residential development is being constructed.

2.0 Proposed Development

- 2.1. Permission for retention of alterations to permitted development under planning register number 20120653, which consists of the following:
 - (A) Changes to the cladding of private open space privacy screens to include metal cladding and associated railing system to the southern elevation.
 - (B) The construction of a powder-coated metal cladding gable roof to the 2nd floor, and permission is sought to complete the structure to include changes to the western cantilevered bay cladding system and the main western building facade with ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council granted permission for the proposed development on the 18th January, 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the Planning Report signed on the 13th January 2023 can be summarised as follows.

- The site is zoned 'Central Business Area' in the Gorey Town and Environs Local Area Plan 2017-2023.
- No details of signage design or purpose on the southern elevation have been provided.
- The proposed retention of alterations to the existing building is considered to have an acceptable impact on the surrounding area.

3.2.2. Other Technical Reports

- A report from the Roads Department had no objection subject to the attachment of one condition.

3.2.3. Conditions

Three standard conditions were attached to the grant of permission, one related to signage.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One third party observation was received on file. The main points raised can be summarised as follows:

- An unauthorised extension has been constructed at first and second floor levels to the front/side of the property at Church Lane.
- There has been significant work on the roof of the building beyond what is permissible without planning.
- Some of the work over public land poses a public danger due to the construction activities used,
- The ground floor use appears to have changed from commercial to residential.
- Possible fire safety issues.
- There has been a long history of enforcement on this site.

4.0 Planning History

P.A. ref: 20120653

Permission was granted on the 28th September 2012 for the change of use of the existing first and second floors from office to 1 no.2 bed duplex apartment with associated works and services.

P.A. ref: 20110026

Permission was granted on the 9th March 2011 for the provision of a new boundary treatment, and permission was refused for the change of use of the existing office space on the first and second floor levels to apartments and associated elevational alterations.

P.A. ref: 20091500

Permission was refused on the 22nd December 2009 for the change of use of the second-floor office space to a 2-bed apartment with the use of a roof as open space with necessary alterations to plans and elevations from 200082461 and 20051630.

P.A. ref: 20082461

Permission was granted on the 27th February 2009 for the retention of alterations to the structure from that previously granted under planning register no: 20051830 and to re-altered and complete the structures as laid out in the plans and particulars of the application with ancillary works.

ABP. ref: PL26.225234

Permission was refused on the 12th March 2008 for the retention of existing premises, including alterations to the front and side elevations to floor plans with associated works previously granted under planning register no. 20051630.

P.A. ref: 20064662

Permission was refused on 7th February 2007 for alterations to the structure previously granted under planning register no. 20051630.

P.A. ref: 20051630

Permission was granted on the 15th August 2005 for alterations to existing planning permission register no.20012382 consisting of the erection of a third storey, construction of a fire exit to the rear and alterations to the front elevation.

Adjoining Site to the South

LAC 2110 Part X1 was approved on the 28th March, 2022, for the proposed construction of 30 no. residential units at Wexford Street.

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the operation plan for the area. The plan came into effect on Monday, 25th July 2022.

The Gorey Town and Environs Local Area Plan 2017-2023 as extended.

Development Plan Policies

Objective TV05:

To require high quality design in the public realm, architecture and in building functionality.

Objective TV14:

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, are flexible in the face of unknown future demands, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

Objective TV15:

To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.

5.2. Natural Heritage Designations

Slaney River Valley Special Area of Conservation is located approximately 2.8 km northwest of the site.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development in this urban location 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. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of appeal can be summarised as follows:

- An extension has been constructed at the 1st and 2nd-floor level to the front and side of the property without first seeking planning permission.
- Significant work has taken place on the roof of the building.

- Some of the work at the 1st and 2nd-floor level has taken place over public land and appears to pose a danger to the public due to the nature of the work.
- Development work on the site follows a long history of unauthorised building works at the property by the present owner.
- This includes failure to leave a 1 meter separating the subject building on my property at the first-floor level and above as stipulated in the previous planning permission.
- The ground floor appears to be currently in use as residential use rather than commercial use.
- Fears that the building does not comply with fire and safety regulations.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Works to be Retained.
- Proposed Works
- Use of the building

- Standard of Construction.

7.2. Works to be Retained.

- 7.2.1. Based on my site inspection, it appears that there may be some discrepancies in the drawings. The parapet level of the front elevation appears to be lower than shown in the drawings, and the roof ridge level may be higher than in the drawings. The roof cladding appears to have glazed elements, which are not shown on the drawings. My assessment will be based on the details and drawings submitted with the planning application.
- 7.2.2. The appellant states that some of the work to the first and second-floor levels has taken place over public land and appears to be dangerous. One of the elements to be retained, as detailed in drawing no.001, is the existing protruding bay on the first and second floors. This bay projects further than previously granted permission. The maximum projection is now 1.8m. The remaining width of the laneway is approximately 5m. The height of the projecting bay is 2.8m from ground level.
- 7.2.3. I note that the housing development to the south, currently under construction, has a side gate from the subject laneway for non-vehicular use only. At this point, there is also another pedestrian access to offices to the rear of a property on The Avenue.
- 7.2.4. Given the remaining width of the lane and the limited use of the laneway I do not consider that the projecting bay to be retained will cause a traffic hazard or be prejudicial to the safety of pedestrians.
- 7.2.5. The appellant also refers to the roof works carried out without permission. The planning application seeks to regularise the situation by retaining the roof as shown on the submitted drawings.
- 7.2.6. The parapet, as shown on the drawings at its highest point is 12m, which is 2m higher than originally granted permission under planning permission P.A. ref: 20120653. As granted under this permission, the development had a flat roof behind the parapet. The roof, as built, is now an A-framed pitch roof. The drawing submitted shows the roof to be retained and clad entirely in the powder-coated metal cladding. The building is at the end of a minor lane off Church Lane. Three-storey houses are being built directly to the south of the proposed development. The subject site faces

a blank side elevation of one of these units. Given the backland nature of the site at the end of a minor lane and the three-storey dwellings directly south of the subject site, the roof will not be readily visible from the surrounding area. I consider the roof to be retained, as shown on the drawings, to be acceptable as it will not harm the residential or visual amenities of the area.

The side southeast elevation differs from that granted permission. The elevation has uniform screens and panels to the balconies. The existing panels are to be finished in alternative shades of grey, and the elevation includes proposed guard rails. The elevation is a simpler design solution than that granted permission under P.A. ref: 20120653. The works to be retained and completed will lead to any additional overlooking of the adjoining lands. I consider that the works to be retained on the southeast elevation will not harm the area's visual or residential amenities.

7.3. Proposed Works

- 7.3.1. The proposed alteration to the finishes of the front elevation will include a white vertical cladding system on part of the front elevation, a central cladding system to be used on the remaining front elevation, and a projecting bay. The proposed cladding will result in the removal of the door and window on the front elevation on the first and second floors. A dark grey cladding system is proposed for the ground floor shop façade. I consider that the proposed changes in the finishes to the front elevation will be a visual improvement on the existing situation.

7.4. Use of the Building.

- 7.4.1. The appellant states that the ground floor appears to be currently in residential rather than commercial use. The drawing submitted with the application shows the ground floor as an existing retail space. At the time of the site inspection, the ground floor appeared vacant, and I did not see any evidence of residential use being carried out on the ground floor.

7.5. Standard of Construction

- 7.5.1. The appellant raises concerns that the development does not comply with fire and safety regulations. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.
- 7.5.2. The appellant also states that the development work on the site follows a long history of unauthorised building works at the property which includes the one meter separating the subject building and his property at first floor level and above. The applicant has not elaborated further on the proposed unauthorised works. Any potential unauthorised works are a matter for the Planning Authority and thus need not concern the Board for the purposes of this appeal.

8.0 AA Screening

- 8.1.1. I have considered the retention and alterations to a mixed-use development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.8 km southeast of the Slaney River Valley Special Area of Conservation.
- 8.1.2. The development to be retained consists of alterations to permitted development under planning register number 20120653, which consists of the following:
- (A) Changes to the cladding of private open space privacy screens to include metal cladding and associated railing system to the southern elevation.
 - (B) The construction of a powder-coated metal cladding gable roof to the 2nd floor, and permission is sought to complete the structure to include changes to the western cantilevered bay cladding system and main western building facade with ancillary works.
- No nature conservation concerns were raised in the planning appeal.
- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The small scale and nature of the development
 - The distance from the nearest European site and the lack of connections

- Taking into account the determination by LPA.

I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded, and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission for retention be granted for alterations to permitted development (20120653) consisting of changes to cladding the private open space privacy screens, including metal cladding and railing system to the southern elevation, the construction of a metal cladding gable roof to the second floor and for permission to complete the structure including changes to the western cantilevered bay cladding system and main western building facade and ancillary works.

10.0 Reasons and Considerations

The development to be retained and completed complies with the provisions of the Wexford County Development Plan 2022-2028. It is considered that subject to compliance with the conditions set out below, the development to be retained and completed would not seriously injure the residential and visual amenities of the area. The development to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application 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. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site [and adjoining lands under the control of the applicant] unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual 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.

Peter Nelson
Planning Inspector

03rd July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315834-23		
Proposed Development Summary	Retention of alterations to permitted development (20120653) consisting of changes to cladding of private open space privacy screens to include metal cladding and railing system to the southern elevation. the construction of a metal cladding gable roof to second floor, permission to complete structure including changes to western cantilevered bay cladding system and main western building facade and ancillary works.		
Development Address	Gorey Corporation Lands, Gorey, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class10 (b)(iv)	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315834-23	
Proposed Development Summary	Retention of alterations to permitted development (20120653) consisting of changes to cladding of private open space privacy screens to include metal cladding and railing system to the southern elevation. the construction of a metal cladding gable roof to second floor, permission to complete structure including changes to western cantilevered bay cladding system and main western building facade and ancillary works	
Development Address	Gorey Corporation Lands, Gorey, Co. Wexford	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is not exceptional in the context of this mixed-use town centre environment.</p> <p>The development to be retained will not result in the production of any significant waste, emissions or pollutants.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the development is not exceptional in the context of this urban fine-grain environment.</p> <p>While I note there is a housing development under construction to the south of the site there are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>	

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development is not located on, in, adjoining, or does it have the potential to significantly impact an ecologically sensitive site or location?</p> <p>The development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)