



An  
Bord  
Pleanála

## Inspector's Report ABP-319619-24

### Development

Refurbishment of the existing public house and residential building into a new residential property comprising of partial demolition of the existing building for the construction of a new two-storey dwelling and all associated site works.

### Location

36 Spencer Street, Castlebar, Co.  
Mayo, F23 Y303

### Planning Authority

Mayo County Council

### Planning Authority Reg. Ref.

2460045

### Applicant(s)

Martin Lally and Fionnuala Byrne

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First

### Appellant(s)

Martin Lally and Fionnuala Byrne

### Observer(s)

None

**Date of Site Inspection**

23<sup>rd</sup> of November 2024

**Inspector**

Darragh Ryan

## **1.0 Site Location and Description**

- 1.1. The existing building formerly public house with living accommodation overhead is located at Spencer Street, Castlebar, Limerick. The site is located to the north end of Spencer Street close to the Mall. The site is bounded by residential and commercial properties.
- 1.2. The site occupies a rectangular plot (encompassing an area of 113m<sup>2</sup>) extending north from the Spencer Street frontage and is bounded on either side by commercial properties at ground floor level with residential dwellings above. Spencer street connects the R309 to the Mall and Ellison Street, and contains a mixture of commercial retail and residential properties with a mixture of 2 and 3 storey buildings with both pitched and flat roof area. There is vacancy along the street between older and newer properties.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the following:

The development will consist of the refurbishment of the existing public house and residential building into a proposed new residential property, comprising of the partial demolition of the existing building and the construction of a new two storey family home which includes alterations to existing roof, proposed new pitched and flat roofs to the rear, removal of glass to the first floor windows to the façade and all associated site works, drainage and service connections.

## **3.0 Planning Authority Decision**

- 3.1. **The Planning Authority issued a decision to refuse permission for two reasons:**

1. The proposed town house design, due to the design features and characteristics, would be out of character with the overall design theme associated with Spencer Street, Castlebar, Co. Mayo and would set an undesirable precedence for similar changes and intervention within roof spaces. It is therefore considered that the proposed development would

seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and development of the area.

2. On the basis of the information submitted with the application with particular regard to Recorded Monument and Place No: MA078-003 Historic Town , and in the absence of an Archaeological Assessment, Mayo County Council cannot be satisfied that the proposed development would not injure or interfere with a historic monument which stands registered in the Register of Historic Monuments under Section 5 of the National Monuments (amendment) Act, 1987, or which is situated in an archaeological area so registered. In such circumstances, Mayo County Council is precluded from granting permission.

### **3.2. Planning Authority Reports**

- 3.2.1. There is a single Planning Report on file, the area of assessment focused on the following:

- The proposed development comprises of an inappropriate roof intervention along Spencer street, Castlebar Co. Mayo. The design is out of context and character with the traditional street scape associated with Spencer Street. The granting of which would set an undesirable precedent for similar type developments.
- It is noted that this section of Castlebar is recorded a MA078-003 ----- Historic Town on Recorded Monuments and Place register. As such any development proposal at this location would be subject to archaeological appraisal and assessment. In the absences of same mayo County Council is precluded from the granting of permission.

- 3.2.2. Other Technical Reports

- Report received from County Archaeologist

Recommendation: An archaeological assessment must be submitted. The first part of the assessment should consist of a site visit and a desk top study undertaken by a suitably qualified archaeologist. On foot of the site visit the applicant may be required to carry out any or all of the following:

a) Geophysical and/or other non- invasive surveys (including architectural survey)

b) Licensed pre-development testing

c) Licensed archaeological excavation

d) Archaeological monitoring of ground works

- Report received from Executive Architect

The proposed roof and elevational treatment onto Spencer Street is inappropriate in its context. If permitted it would diminish the coherence of the existing urban form and streetscape.

- Report received from local area Engineer

No issues with regard to water supply

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- None

## 4.0 Planning History

There is no recent planning history for the site. According to the documentation supplied with the appeal the premises operated as a public house from 1939 to 1997.

## 5.0 Policy Context

### 5.1. Mayo County Development Plan 2022 to 2028

BEO 1 - To protect the archaeological heritage and sites identified in the Record of Monuments and Places, National Monuments in the ownership or guardianship of

the State in addition to National Monuments that are the subject of Preservation Orders, and to safeguard the integrity of the archaeological sites in their setting

BEP 4 To protect the architectural heritage of County Mayo which is a unique and special resource.

BEP 5 To promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen with recognised conservation expertise, for works to protected structures or historic buildings in an Architectural Conservation Area

BEP 8 To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features, where appropriate

## **5.2. Castlebar Local Area Plan 2023 to 2029**

4.6.3 Spencer Quarter - The Spencer Quarter is situated at the southern edge of the town centre in a prominent location between the junction of N5 and the N60 to the south, and to the rear of Ellison/Main Street to the North. The quarter contains a mix of commercial/administrative/justice/medical/services and residential. The area contains the Green (The Mall) as well as Spencer Street, Spencer Court, Humbert Way, Lawn Rd, John Moore Road. This area also has a rich history which is reflected in a wealth of built heritage. The area has 22 protected structures and 11 building listed on the NIAH register. There is some vacancy along the street, both in older buildings and newer built retail units. The quarter also contains notable buildings such as the Former Imperial Hotel.

TCO 2 - Continue to develop and implement the Castlebar Town Centre Regeneration Strategy, and encourage and facilitate the reuse and regeneration of derelict, vacant, backland and underutilised lands and buildings in the town centre through active land management for retail, residential and other mixed uses and where necessary through appropriate legislative mechanisms/instruments and / or by supporting the progression and delivery of projects funded by the Urban Regeneration and Development Fund and other appropriate funds to achieve this aim.

HSCP 3 - Encourage the reuse of upper floors above commercial premises in Castlebar for residential accommodation.

HSCO 1 - Support, promote and facilitate the appropriate consolidation, densification and/or redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built up area, where appropriate, including living above the shop opportunities.

8.6 Archaeological Heritage - Archaeological remains and deposits can advance the understanding of how Castlebar has developed over the centuries and increase the knowledge of its past. It will, therefore, be important to preserve the archaeological remains within any future developments, either by protecting/preserving archaeological remains in situ or by removing and recording them. The town and environs is rich in archaeological history, with an abundance of enclosures, crannogs, earthworks and later stone fortifications around Lough Lannagh, while a large part of the town centre is designated as a single protected site. The Archaeological Survey of Ireland database at [www.archaeology.ie](http://www.archaeology.ie) contains an interactive map/search facility that provides access to all records of the Archaeological Survey of Ireland (ASI) and should be consulted prior to the development of land within the plan area. Mayo County Council recognises that there may be important archaeological deposits located outside the Zone of Archaeological Potential. Where such deposits are uncovered through development, the Council will have regard to the recommendations of the Department of Environment, Heritage and Local Government in promoting their preservation and recording. The Council may request that 95 archaeological field evaluation take place as part of the application or before development proposals are implemented, where there is evidence that archaeological remains are present.

### **5.3. Natural Heritage Designations**

River Moy SAC 9km to the North

#### **5.4. EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning & Development Regulations 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. The is a first party appeal against the decision of Mayo County council to refuse permission. The applicant challenges the reason for refusal as follows: Grounds of Appeal**

- The development is sympathetic to the protected character of the town centre whilst providing a contemporary solution which is harmonious with adjoining developments. The existing mouldings and existing façade shall remain intact. The main changes are to the windows and doors which are considered subtle changes.
- The area is not in an architectural conservation area, there will be no impact on the streetscape as all design changes are minimal and in keeping with existing streetscape. The changes to the roof would not be visible from street level and would only be visible from a distance.
- A number of properties along Spencer Street have differing roofscapes to the one proposed. The adjoining property has a set back third floor with a flat roof which contradicts the aesthetic of the street.
- The current property to be redeveloped remains vacant. The proposal is designed to represent high -quality architectural language and rejuvenate the existing building while providing a modern intervention in the streetscape. The proposal would not hinder amenities in the vicinity of de-value properties in the area.



- The applicant has provided an alternative proposal that includes for the replacement of existing windows with timber profile that resembles original features. The chimney would be replaced with a like for like replacement and the roof opening would be reduced to 4m X 1.5m to provide a glazed roof light which would follow the same pitch of the existing roof profile.

## **6.2. Planning Authority Response**

- None

## **6.3. Observations**

- None

## **6.4. Further Responses**

- None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to the appeal are as follows:

- Proposed Design
- Archaeology
- Other Issues
- Appropriate Assessment

## **7.2. Revised Drawings**

7.2.1. The applicant has modified the development proposal from its original submission to the planning authority. The applicant proposes to retain and bring back a number of

original front elevation features on the existing premises. The existing chimney pots and concrete cap are proposed to be replaced to match those from historical photos of the building. The existing windows are also proposed to be replaced with those of a timber profile which resembles that of original architecture. It is also proposed to revise first floor detail and retain all glazed elements. The roof light is to be reduced in size to 4m in width by 1.5m in height following the same pitch as current roof profile. This would retain a proportion of existing roof and roof tiles. The alternative proposal is on the same elevation as the original proposal and the scale of development has not changed from the provision of a single residential unit. Therefore, I do not consider the changes as proposed to be significant. The planning authority has not responded to the revised design proposal or has there been any comment from the Mayo County Council Architects Department. While I find the revised detail as submitted directly addresses the reasons for refusal, I deem the scale of these modifications to fall within acceptable limits. However, the significance of these design alterations may warrant further consideration by the Board.

### 7.3. **Proposed Design**

7.3.1. The proposed development involves the partial demolition and redevelopment of an existing premises on Spencer Street, including:

- The demolition of the entire first and second floors, retaining only the front façade, with a total demolition area of 168 sqm.
- The construction of a two-storey rear extension with a pitched roof.

The proposed ground floor (90 sqm) accommodates three bedrooms, a bathroom, a utility room, and a courtyard, while the first floor (60 sqm) includes a kitchen, living, and dining area, as well as a winter garden overlooking Spencer Street.

Originally, the applicant proposed the retention of window openings on the front elevation with modifications to the glazing, alongside a fully glazed pitched roof feature. These elements were subsequently revised as part of alternative proposal presented with the appeal:

The roof feature was reduced to a smaller roof light detail – 4m x 1.5m.

The glazing of the front elevation windows was reinstated, and the chimney was replaced with a similar design to retain historic character.

7.3.2. The planning authority considered the level of intervention at roof level excessive and out of character with the traditional streetscape of Spencer Street. The planning authority highlighted the importance of maintaining the unique character of the existing front elevation and minimising the visual impact of roof-level alterations.

7.3.3. The applicant, in their appeal, justified the proposed roof interventions by referencing the varied roof profiles and typologies along Spencer Street and the absence of ACA designation. While acknowledging these factors, I agree with the planning authority's assessment that the original roof design was overly dominant and detracted from the streetscape's character.

The revised proposal, which incorporates a smaller roof light detail, is more subtle and appropriate in this context. The alternative design minimises visual impact while aligning with the established roofscape variations along Spencer Street. I do not consider the revised proposal to have a significant negative impact on the character of the area.

7.3.4. The retention of the existing front elevation, with reinstatement of traditional glazing, replacement of doors and windows with timber-framed elements, and the replacement of the chimney with a sympathetic design, demonstrates a balanced approach to conservation and modern intervention. These measures successfully maintain the historic character of the streetscape while allowing for functional upgrades to the property.

7.3.5. The revised design aligns with Policy Objective BEP 8 of the Castlebar Local Area Plan, which emphasises the retention, sympathetic maintenance, and sustainable reuse of historic buildings, as well as the preservation of streetscape character, fabric, and detail. The alternative proposal respects the historical integrity of the site while contributing to the sustainable development of the local area. I am satisfied that the design strikes an appropriate balance between modern functionality and the retention of historical and architectural character. I conclude that the alternative proposal complies with the relevant policies and objectives of the Castlebar Local Area Plan and does not unduly detract from the character of the local area. Accordingly on the grounds of design I do not consider a refusal of permission is warranted in this instance.

#### 7.4. **Archaeology**

- 7.4.1. The second reason for refusal states that, in the absence of an Archaeological Assessment regarding Recorded Monument and Place No. MA078-003, the planning authority could not be satisfied that the proposed development would not injure or interfere with a historic monument. It is noted that the applicant has not addressed this issue as part of the appeal.
- 7.4.2. The Archaeological Survey of Ireland designates the northern end of Spencer Street, including the subject site, as a Historic Town (MA078-003), which is listed in the Statutory Record of Monuments and Places under the Monuments Act. However, consultation with “*National Monuments in State Care: Ownership and Guardianship (2009)*” confirms that the site is not listed as a National monument. While the site is located within the Record of Monuments and Places, it is noted that it is a brownfield site with near-total site coverage. The site has been previously subjected to excavation and building, resulting in a likely significant level of ground disturbance. The proposed development involves the complete demolition of the property, except for the retention of the front elevation, representing a substantial intervention in the site.
- 7.4.3. The Mayo County Development Plan 2022 to 2028 and the Castlebar and Environs Plan 2023 to 2029 do not explicitly require an Archaeological Impact Assessment for developments located within Registered Monuments. However, given the historic designation of the site and the scale of the proposed works, an archaeological condition would be prudent. Considering the brownfield nature of the site and the extent of past ground interference, it is recommended that, if permission is granted, a condition be attached requiring the completion of an Archaeological Impact Assessment prior to the commencement of development. This measure would ensure archaeological preservation and allow for appropriate mitigation if necessary. This would also allow for onsite monitoring during excavation and construction of foundations to be applied.
- 7.4.4. In light of the above, it is considered that the proposed development, subject to appropriate conditions, would not have a detrimental impact on the Recorded Monument. The proposal is therefore consistent with objective BEO 1 of the Mayo

County Development Plan, which seeks to protect and promote the sustainable management of archaeological heritage.

## **8.0 AA Screening**

I have considered the proposal to construct a dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within an urban environment 9km south of River Moy SAC. The development proposal consists of demolition of large elements of existing premises and construction of an extension to the rear of existing property.

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:

- scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that 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**

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

### **Reasons and Considerations**

The proposed development and revised design as set out complies with Policy

Objective BEP 8 of the Castlebar Local Area Plan 2023 to 2029 which emphasises the retention, sympathetic maintenance, and sustainable reuse of historic buildings, as well as the preservation of streetscape character, fabric, and detail.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area or the archaeology of the area and would not give rise to the impact upon the Registered Monument. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the revised plans and particulars received by An Bord Pleanála on the 30<sup>th</sup> of April 2024 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 commencement of development, detailed structural drawings and a construction methodology statement indicating the means proposed to ensure the protection of the structural stability and fabric of all the retained structures (front elevation) shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to retain the front facade, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

3. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) as appropriate following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs,

paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent pollution.

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. The developer shall ensure that all construction activity within this site shall comply with the following:

- i. All construction activity shall be restricted to the following:
  - Between 0800 hours and 1800 hours Monday to Friday
  - Between 0900 hours and 1300 hours Saturday unless otherwise agreed in writing with Galway City Council.
  - No works shall take place on Sundays, Bank Holidays or Public Holidays;
  - The site may be opened 30 minutes prior to the above outlined times in order to facilitate the arrival of workers, however no activity shall take place during this time.
  - Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.
- ii. In the event that rock breaking is required on the site, a schedule of works including mitigating measures and the hours and days of operations shall be submitted for the agreement of the Planning Authority in writing.
- iii. Any alterations to public services, public areas or utilities necessitated by the development shall be carried at the developers expense having firstly obtained the agreement in writing of Galway City Council or other public bodies responsible for utilities.
- iv. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government



unless required otherwise by Galway City Council in which case  
Galway City Council Standards apply.

Reason: In the interest of residential amenity and the proper planning and  
sustainable development

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.

---

Darragh Ryan

Planning Inspector

31<sup>st</sup> of December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319619 - 24		
<b>Proposed Development Summary</b>	Refurbishment of the existing public house and residential building into a new residential property comprising of partial demolition of the existing building for the construction of a new two-storey dwelling and all associated site works		
<b>Development Address</b>	36 Spencer Street Castlebar Co. Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>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?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>	X	Class/Threshold.....	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	319619-24	
Proposed Development Summary	Refurbishment of the existing public house and residential building into a new residential property comprising of partial demolition of the existing building for the construction of a new two-storey dwelling and all associated site works	
Development Address	36 Spencer Street, Castlebar. Co Galway	
<p>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.</p>		
	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 site is located on a site on a brownfield site in an urban environment. The proposed development is not exceptional in the context of existing environment.</p> <p>No the proposal is to demolish and refurbish existing building. All waste can be managed through standard construction management measures.</p>	No
<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>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No

<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 proposed development is located 9km south of River Moy SAC The proposal includes standard best practices methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)



