



An
Bord
Pleanála

Inspector's Report ABP-319885-24

Development

Amendment to condition 3(a)(i) of planning P23/407 to allow for inclusion of a first-floor bay window to the south west elevation with all necessary ancillary services.

Location

Gratten Street, Kilkee, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2493

Applicant(s)

Michael Larkin

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Michael Larkin

Observer(s)

None

Date of Site Inspection

31 July 2024

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The proposed site is a two-bay two-storey house, on the east side of Gratten Street, close to the junction with Erin Street, in Kilkee, Co. Clare. It closes the vista from Erin Street, and is visible in long views from that street. There is a continuous run of terraced houses on the east side of Gratten Street, largely single-storey, with a small number of two-storey houses. The west side of Gratten Street is punctuated with numerous junctions at various angles, and the building line is less consistent, with some buildings addressing the street side on, or at an angle. The buildings to the east side have a plainer more vernacular appearance and more domestic scale, with a number of larger more decorative buildings on the west side.
- 1.2. The house is currently undergoing construction. The rear wall of the house has been demolished, and the front wall has been demolished and rebuilt in concrete block, with one large and one small window opening provided at first floor. A timber hoarding has been erected to the ground floor.
- 1.3. Kilkee is a seaside town, which grew rapidly into a popular holiday resort during the nineteenth century. The town remains a popular tourist destination, and the Wild Atlantic Way southbound route runs in front of the subject site.

2.0 Proposed Development

- 2.1. Amendments to permitted development reg ref P23/407, to omit condition requiring 3 sliding sash windows at first floor, and to provide a first-floor bay window (an oriel window) and 1 sliding sash window instead.

3.0 Planning Authority Decision

Refusal, for a single reason, having regard to visual impacts in the Kilkee Architectural Conservation Area (ACA), and insufficient legal interest (overhanging the public street).

3.1. Planning Authority Reports

- 3.1.1. Planning Reports

Report dated 1 May 2024.

- This report detailed the policy and planning history of the site, with an assessment reflecting the reasons for refusal.

3.1.2. Other Technical Reports

- West Clare Municipal District Engineer report dated 10 April 2024 –conditions recommended in the event of a grant.

3.2. **Prescribed Bodies**

3.2.1. Uisce Éireann – no objection to principle of development.

3.3. **Third Party Observations**

None.

4.0 **Planning History**

- On site

23/407 (parent permission)

Permission granted (following receipt of Further Information) to renovate and extend existing residential property, with works to include part demolition of existing building and all necessary ancillary services, subject to 5 conditions, including amending condition requiring single sliding sash windows. The original application proposed bay windows, with the drawings submitted as Further Information showing bipartite sash windows at ground and first floor.

- Recent and relevant in vicinity

St Anne's, Gratten Street, Kilkee (house 3 doors up, to north)

23/60171

Permission granted for renovations, alterations, and extensions, subject to 10 conditions. Condition 4 was an amending condition revising fenestration, and removing a bay window.

House at Dough, Kilkee (house 2 doors down, to south)

23/199

Permission granted for renovations and extensions, subject to 8 conditions, including conditions requiring timber sash windows.

5.0 Policy Context

5.1. Ministerial Guidelines

5.1.1. Architectural Heritage Guidelines for Planning Authorities (2011)

In Chapter 3, these guidelines set out the steps to identify areas to be protected by designation as Architectural Conservation Areas; the steps to identify the special interest and special character of an ACA; the types of development objectives that might be incorporated into the Development Plan for the ACA; and criteria to assess proposals for construction/demolition.

5.1.2. Chapter 7 addresses Conservation Principles, and notes (among other things) the importance of keeping historic buildings in use; the importance of research; the principle of minimum intervention and respecting earlier interventions of interest, and the perils of uninformed works and conjectural restoration.

5.1.3. Chapter 10 deals specifically with doors and windows, and sets out criteria for considering proposals to change windows.

5.2. Clare County Development Plan 2023-29

5.2.1. The site is zoned Mixed Use.

5.2.2. The use of land for 'mixed use' developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area. On lands that have been zoned 'mixed-use' in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.

5.2.3. The front part of the site falls within Kilkee Architectural Conservation Area, as shown on p. 55 Volume 3d West Clare Municipal District Settlement Plans.

5.2.4. CDP16.5 Architectural Conservation Areas (ACAs)

It is an objective of Clare County Council:

a) To ensure that new developments within or adjacent to an ACA respect the established character context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;

b) To protect from demolition or removal and non-sympathetic alterations, 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;

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 does not detract from and is complementary to the character of the ACA; and

d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

5.2.5. Appendix 4 – Architectural Conservation Areas

Kilkee has retained its unique character as a 19th century bathing place. The town contained several protected structures and many fine buildings. A large area of the town centre is designated as an ACA, recognising the historical and architectural importance of the townscape and layout of the core area.

5.3. Natural Heritage Designations

Kilkee Reefs SAC – c 110 metres to the west.

5.4. EIA Screening

The development is not a class for the purposes of EIA. See Form 1 on file.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against refusal prepared by the applicant's agent. It can be summarised briefly as follows:

- The proposed bay window is in keeping with the architectural heritage of Kilkee, which developed during the Victorian era, and would be a positive feature, not a visually incongruous one.
- Bay windows are visible on all streets throughout the town, and from all prominent locations.
- Many contemporary developments and renovated houses have added to the tradition and incorporate the bay window motif, establishing a precedent.
- Numerous properties have first-floor bay windows oversailing the footpath, and have been accepted by the Local Authority (eg P20/402 and P20/914).

Numerous photographs have been included, showing bay windows on buildings on Gratten Street, in East Kilkee, and throughout Kilkee.

6.2. Planning Authority Response

The planning authority responded (21 June 2024) as follows:

- Site is located within Kilkee ACA, and bay windows are not in keeping with existing built vernacular of the area.
- Recent planning history reiterated, Board requested to uphold decision.

6.3. Observations

Development Applications Unit, Department of Housing, Local Government and Heritage: letter dated 31 July 2024, noting that the street consists primarily of historic single-storey structures, with some historic two-storey townhouses. Bay windows and oriel windows (the technical term for a bay window which doesn't touch the ground) would not have been a prevailing characteristic of the streetscape. The planning authority has had due regard to the relevant Ministerial Guidelines in their

refusal. While the Department welcomes elevational improvements, the proposal would have negative impacts, and the refusal should be upheld.

6.4. Further Responses

None received.

7.0 Assessment

I have examined the application details, and all other documentation on file, including the appeal. I have inspected the site, and have had regard to relevant local/regional/national policies and guidance.

The main issues for this appeal are

- Architectural Heritage and Compliance with the ACA
- Oversailing

7.1. Architectural Heritage and Compliance with the ACA

- 7.1.1. In granting permission for the refurbishment and extension of the house (reg ref 23/407), the planning authority added an amending condition requiring single sliding sash windows, as opposed to the bipartite sliding sash windows proposed in the Further Information submission (the original drawings showed bay windows). The proposed development seeks to amend that element of the permission.
- 7.1.2. It is an objective of the Development Plan (CDP16.5) to ensure (among other things) that new developments respect the established character context of the area, and contribute positively to the ACA in terms of design, scale, setting, and material finishes, and to protect existing buildings from non-sympathetic alterations.
- 7.1.3. The appellant does not assert that a first-floor bay window ever formed an element of the building, but rather that this window is a typical feature of Kilkee, and therefore appropriate. However, Kilkee is not homogenous, and the established character of the area needs to be taken into account in considering the impact of proposed alterations within the ACA.

- 7.1.4. This house and those immediately adjacent to it have simple forms, with pitched roofs and flat facades, directly addressing the street with no setback. They have square-headed openings, and plain rendered walls. They are of a clearly domestic scale, and the street is largely residential in use. The lack of ornamentation and modest appearance is an intrinsic part of the architectural character of these buildings. It reflects the early date and vernacular origins of the street, and the history of the town as a rural market town, as well as a place of resort and leisure. The first edition ordnance survey map shows that Gratten Street was one of the earlier streets laid out in the town, pre-dating much of the development of the West End, O'Curry Street, and Strand Line. There is no evidence that oriel windows formed part of the architectural heritage of this street, despite the addition of bay windows in recent years, and in my view, the proposed window would be an uninformed and inappropriate addition.
- 7.1.5. The Ministerial Guidelines specifically note on the subject of replacing inappropriate windows in a structure or ACA that *'such restoration should always be based upon firm evidence of the original design of the window using old photographs, drawings, or other reliable information, such as surviving original windows in the neighbouring buildings. Caution should be exercised as some past alterations may contribute to the cumulative historical interest of a building and should not be erased without due consideration of all the consequences.'* No such evidence has been provided.
- 7.1.6. Having regard to visual impacts, the house is visible (although not prominent) in long views from the north, from part of the beach, and from the approach road from the East End. Gratten Street is the main route (N67) through the town, which provides the southbound route for the Wild Atlantic Way. The house is more visible from the south, due to the bend in the street. It is most prominent in views from Erin Street, where it is visible along a significant length of this straight street, as it closes the vista. On the whole, it is a prominent location, and the asymmetrical arrangement would be eye-catching, to the detriment of the special architectural character of the area.

7.2. Oversailing

- 7.2.1. The appellant cites two recent permissions with first-floor bay windows over the public realm; however, both of these were refurbishments of existing first-floor bay windows. In my view, it is not unreasonable to restrict the construction of new windows that oversail the public footpath, in the interests of orderly development, and to prevent the encroachment of private property on the public realm. However, the salient issue is the impact on the ACA.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development (the provision of a bay window to an existing house) and the distance from the nearest European site, 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 any European site.

9.0 Recommendation

I recommend permission be refused, for the reasons and considerations below.

10.0 Reasons and Considerations

The proposed addition of a first-floor bay window in this prominent location would constitute an unsympathetic alteration to the house, and would materially affect the character of the Kilkee Architectural Conservation Area and contravene Objective CDP16.5 of the County Development Plan, and would thereby seriously injure the visual amenities of the area. The proposed development 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.

Natalie de Róiste
Planning Inspector

30 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319885-24		
Proposed Development Summary	Amendment to condition 3(a)(i) of planning P23/407 to allow for inclusion of a first-floor bay window to the south west elevation with all necessary ancillary services.		
Development Address	Gratten Street, Kilkee, Co. Clare.		
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	✓
		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		Class.....	EIA Mandatory EIAR required
No	✓		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		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____