

An  
Bord  
Pleanála

## Inspector's Report ABP320517-24

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Permission to install solar panels on the roof of the house along with all associated works. The Monastery is a protected structure (RPS No. 860). |
| <b>Location</b>                     | The Monastery, Frances Street, Kilrush, Co. Clare.   |
| <b>Planning Authority</b>           | Clare County Council.  |
| <b>Planning Authority Reg. Ref.</b> | 2460270  |
| <b>Applicant</b>                    | Suzi Glynn and James Harding.  |
| <b>Type of Application</b>          | Permission.  |
| <b>Planning Authority Decision</b>  | Permission with conditions.  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant</b>                    | Suzi Glynn and James Harding   |
| <b>Observer</b>                     | None   |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> February 2025.  |
| <b>Inspector</b>                    | Derek Daly   |

## **1.0 Site Location and Description**

- 1.1. The development is located in the central area of the town of Kilrush. On the site is a mid-terrace 4 storey 3 bay building with a rear garden area which is referred to in the documentation as “The Monastery”. There is a small open area between the front elevation and the inner edge of the footpath and this boundary is defined by a railing. The site has a relatively narrow road frontage which fronts onto Frances Street which continues to the southwest as Merchants Quay at the junction with Cappagh Road. The rear boundary of the site fronts onto Crofton Road.
- 1.2. To the west of the site is a three storied building which has the same eaves line as the structure on the appeal site. To the east are three storied properties three in number which have a lower eaves height and then a five storey stone faced former mill building occupying a corner site of Frances Street and Hector Street.

## **2.0 Proposed Development**

- 2.1. The proposed development as received by the planning authority 06th June 2024 is to install solar panels on the roof of the house along with all associated works. The Monastery is a protected structure (RPS No. 860).
- 2.2. The proposed solar panels would be located on the front and rear of the existing pitched roof. The main views towards the roof are from Frances Street and Cappa Road to the south, and Crofton Street to the north.
- 2.3. Documentation submitted includes front and rear elevations indicating the proposed developments and a photographic survey. Ten panels are proposed on the roof of the front elevation and ten panels on the rear elevation. The panels do not form a continuous panel and are a series of panels in two rows running horizontally across the plane of the roof in both the front and rear.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to five conditions.

Condition no 2(a) in effect permit the solar panels to the rear and does not permit the erection of panels on the front elevation and stated

*Revised drawings which remove the proposed solar panels from the southern elevation (i.e. front) of the existing building. This permission relates to the solar panels on the north (i.e. rear) elevation of the building only:*

*Reason: To protect the character of the onsite protected structure and the Kilrush Architectural Conservation Area.*

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

- 3.2.1. Planning Reports

The planning report dated the 16<sup>th</sup> July 2024 refers to the planning history of the site; provisions of the current County Development Plan (CDP); an assessment of the proposal and permission was recommended with a condition to remove the panels on the front elevation.

- 3.2.2. Other submissions.

The application was referred to statutory bodies and no responses were received.

### **4.0 Planning History**

- 4.1. P.A Ref. No D23-19 section 57 application on the appeal for the installation of solar panels on the south facing roof of the house. It was determined that "Provision of solar PV panels onto the south facing roof located on the front elevation of the Protected Structure RPS no. 860 requires planning permission."
- 4.2. P.A Ref. No. 20-63. Permission granted on the structure to the west a protected structure (RPS No 859) to install additional windows on the western elevation, to carry out alterations to the existing roof of the dwelling, install 2 number dormer


windows on the front elevation and reopen stone arches previously build up, install entrance gates along with all associated works.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The statutory development plan is the Clare County Development Plan (CDP) 2023-2029 and the town of Kilrush is specifically addressed in volume 3b of the plan where the site is identified as being within an “Architectural Conservation Area” and is zoned for “Mixed-Use” development.
- 5.1.2. Volume 1, section 16.3 of the CPD refers to Architectural Heritage and section 16.3.1 refers to Protected Structures which are included in Volume 4 of the Plan and it is indicated that alterations to a Protected Structure may alter existing streetscapes or rural scenes, the assessment of works to such structures should also consider the potential effects on the wider context and setting.

The structure is listed as a protected structure (RPS No. 860) in the plan and in volume 4 described as;

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>RPS No.:</b> 860                                     | <b>Name:</b> The Monastery   | <b>ITM:</b> 499204 ; 654979 |  |
| <b>NIAH No.:</b> 20301227                               | <b>Area:</b> Kilrush   | <b>Map:</b> Volume 2        |   |
| <b>Structure:</b> Hotel                                 | <b>Townland:</b> Kilrush   | <b>Map reference:</b> I10   |   |
| <b>Date:</b> 1800-1840                                  | <b>Summary description:</b> Terraced three-bay four-storey former hotel, built c.1820, subsequently used as Sisters of Mercy orphanage, Christian Brothers School in 1874 and now in use as private house. Rendered chimneystack and moulded roof parapet. Cut-limestone walls with string course to ground floor. Rendered walls with rendered quoins, decorative frieze and architraves to upper floors. Decorative render pediment over central first floor opening. Round-headed opening with timber panelled door and plain fanlight. Timber sliding sash windows. Cast-iron railings to site, re-fenestrated c.1995. Former Internet Bureau. |                             |   |
| <b>In use as:</b> Residence                             |  |                             |   |
| <b>Additional Use:</b> N/A                              |  |                             |   |
| <b>Historical Use:</b><br>Hotel/Orphanage/<br>Monastery |  |                             |   |
| <b>Rating:</b> Regional                                 | <b>Categories of special interest:</b> Architectural, Interior, Group, Setting, Streetscape  |                             |   |

The adjoining property to the west and the structure at the junction of Frances Street and Hector Street are also protected structures.

CDP16.2 indicates it is an objective of Clare County Council:

- a) To protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest; and

b) To review the Record of Protected Structures periodically and add structures of special interest as appropriate, including significant elements of industrial, maritime or vernacular heritage and any twentieth century structures of merit.

Section 16.3.4 refers to Architectural Conservation Areas (ACAs) and that Architectural Conservation Areas are places, areas, groups of structures or parts of townscapes which are of special interest or contribute to the appreciation of Protected Structures. Historic street patterns, plot sizes, street furniture, shop and pub fronts all collectively contribute to the character of urban areas and should be recognised and retained.

Architectural Conservation Areas have been designated in 30 historic town and village cores in Clare (listed in Appendix 4) to assist and encourage the retention and re-use of vernacular structures and historic elements and to address the gradual attrition of architectural details such as the replacement of existing finishes with modern materials, the removal of external render and inappropriate building extensions.

ACA designations are intended 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. Unless a structure is also included on the Record of Protected Structures, the protected status afforded from inclusion in an ACA only applies to the exterior and streetscape. The exempted development rights for works to the exterior of a structure are removed by the Planning and Development Act 2000 (as amended) where these works are located in an ACA and would materially affect the character of the area.

CDP16.5 indicates 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

- 5.1.3. Volume 3b of the CDP refers to plans for settlements and Kilrush (including Cappa Village and Pier) is included and that Kilrush is one of only fifteen designated Heritage Towns in Ireland. The town centre is focused on the Market Square, with all routes radiating from this point and that the fabric of the town centre is still mainly intact with very little modern development.

It is a general objective to safeguard the 'heritage town' character of the town centre by permitting development that respects the existing built heritage and encourages regeneration through appropriate renovation and redevelopment of vacant and derelict buildings, and the continued protection of shop fronts intrinsic to the character of the streetscape.

This site is located, is within the "Architectural Conservation Area" and is zoned for "Mixed-Use" development.

## 5.2. National Guidance

- 5.2.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

The Architectural Heritage Protection Guidelines for Planning Authorities (2011) provides more detailed guidance in relation to ACAs and the assessment of development proposals within them on a range of matters including development control (chapter 6) and that on the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use.

- 5.2.2. Part 2 of the Guidance are more detailed guidance on a range of matters including Conservation Principles (chapter 7) where it is indicated conservation is the process of caring for buildings and places and of managing change to them in such a way as to retain their character and special interest and that it is generally recognised that the best method of conserving a historic building is to keep it in active use, respecting earlier alterations of interest. It promotes the principal of minimum

intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

- 5.2.3. The Architectural Heritage Guidelines do not specifically refer to solar panels or renewable energy systems. They do, however, refer to the cumulative impact of small changes, noting that while minor in isolation, the overall impact can be harmful to the special character of the Protected Structure.

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

There is no designated European site in close proximity to the site. The nearest sites are the SPA: - River Shannon and River Fergus Estuaries SPA site code 004077 and the Lower River Shannon SAC site code 002165 over 1 km from the site.

### **5.4. EIA Screening**

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The first party appeal in summary refers to;
- The appeal relates to the inclusion of condition no.2 of the planning authority decision to omit the solar panels on the roof of the front elevation.
  - The omission of panels on the southern elevation would reduce the level of energy generated and would be less than 40% of what was original proposed and renders investment in solar panels on the property a non-runner.
  - The appellants have been restoring the property and are aware of the historical significance of the building.

- They are also aware of climate change and importance of renewable energy.
- There are limited alternative to installing solar panels on the site such as the rear garden owing to the narrow nature of the garden and height of adjoining properties,
- The panels will not detract from the building, will sit atop of a roof which is not the original roof and will be barely visible except from certain vantage points to the south.
- The development can be seen as an ongoing evolution of the building.

## **6.2. Planning Authority Response**

The planning authority in a response were cognisant of the building's heritage status and prominent location within an ACA and therefore the necessity to omit the solar panels on the front elevation. The planning authority consider there are alternative locations within the site's garden to accommodate further solar panels though this is outside of the remit of the current application and appeal. The planning authority requests the Board to confirm its decision.

## **7.0 Assessment**

7.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

### **7.2. The principle of the development.**

7.2.1. The proposal as submitted is to install solar panels on the roof of the house along with all associated works. The house in question is also referred to as the Monastery and is a protected structure (RPS No. 860).

7.2.2. The principle of the installation of solar panels on structures and generally in many locations is acceptable in principle and is in keeping with national policy to reduce reliance on carbon fuels as a source of energy and the reduction in carbon emissions. The installation of solar panels on building has also to be considered in the context of other policies and in relation to the current proposal national policy and guidance in relation to built heritage requires to be considered as the building on the



appeal site is a protected structure and within an Architectural Conservation Area (ACA).

- 7.2.3. The existing provisions contained in sections 57 and 82 of the Planning and Development Act 2000 as amended and article 9 of the Planning and Development Regulations 2001 as amended provide that development shall not be exempted development if it would materially affect the character of a protected structure or a building in an Architectural Conservation Area.
- 7.2.4. Any consideration of and permitting solar panels requires therefore that assessment of solar panels on a protected structure or a building in an Architectural Conservation Area requires to be assessed in relation to would such an installation materially affect the character of a protected structure or a building in an Architectural Conservation Area.

### **7.3. Grounds of appeal**

- 7.3.1. The appeal relates to the inclusion of condition no.2 of the planning authority decision to omit the solar panels on the roof of the front elevation. The appellants contend that the omission of the panels on the southern elevation would reduce the level of energy generated, would be less than 40% of what was original proposed and renders investment in solar panels on the property as a non-runner. The appellants have been restoring the property and are aware of the historical significance of the building and they are also aware of climate change and importance of renewable energy. In considering alternatives to locating panels on the front elevation these are limited on the site in the rear garden owing to the narrow nature of the garden and height of adjoining properties, It is contended that the panels will not detract from the building, will sit atop of a roof which is not the original roof and will be barely visible except from certain vantage points to the south and the development can be seen as an ongoing evolution of the building.
- 7.3.2. In relation to the grounds of appeal it relates to a condition which omits the solar panels on the roof of front elevation and the decision permits the solar panels on the rear elevation. I would have no objection to the solar panels on the rear elevation which are not readily visible from the public domain.
- 7.3.3. The site is located in the central area of Kilrush which is a designated Heritage Town and the retention of the built heritage is of significance to the town and which is

stated in the provisions of the plan for the town of Kilrush as wishing to retain this heritage in the ACA which is still mainly intact with very little modern development is reasonable as is the general objective to safeguard the 'heritage town' character of the town centre by permitting development that respects the existing built heritage.

- 7.3.4. The front elevation of the site itself is readily visible in particular from Cappagh Road and forms part of a cluster of buildings of significance to the built heritage of the town and occupies a prominent location within the ACA. The front elevation of the building on the site is visually and aesthetically important in contributing to the built heritage. I would note the contention of the appellants that buildings do evolve but it is also important that any new intervention is sensitive to its surroundings and the heritage of the town and the placement of solar panels on the roof of the front elevation would be an unsympathetic intervention and detract from the visual qualities of the building which is a protected structure and also the ACA.
- 7.3.5. I recognise that providing alternative to carbon sources of energy with renewable sources of energy is also national policy but retaining the built heritage is also national policy and the site does provide alternative locations within the site.
- 7.3.6. I therefore consider the planning authority's decision to omit the erection of panels on the front elevation as stated in condition no 2(a) is reasonable.

## **8.0 Appropriate Assessment Screening**

- 8.1. I have considered the proposal for the erection of solar panels on an existing structure in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site.
- 8.2. There is no designated European site in close proximity to the site. The nearest sites are the SPA: River Shannon and River Fergus Estuaries SPA site code 004077 and the Lower River Shannon SAC site code 002165 over 1 km from the site which consists of the freshwater stretches of the River catchments as far upstream as the Lough Derg to the sea with a large number of qualifying interests in relation to species and habitats.
- 8.3. The proposed development comprises in effect for the installation of solar panels on an existing structure as outlined in section 2 in the Inspectors report. Having

considered the nature, scale and location of the project and distance from European sites, 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 nature of the development and the absence of any significant construction works or groundworks relating to the development under consideration.

- 8.4. 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 and 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**

- 9.1. 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 CONFIRM condition number 2(a).

## **10.0 Reasons and Considerations**

Having regard to the nature of the proposed development, the presence of a Protected Structure on the site and the site's location within an Architectural Conservation Area and location in the town of Kilrush which is heritage town and also to the pattern of development in the immediate vicinity, it is considered that the imposition of condition number 2(a) omitting the placement of solar panels is reasonable and necessary to secure the objectives stated in the Clare County Development Plan 2023-2029 and the plan for the town of Kilrush to protect the character and integrity of this protected structure.

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.

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Derek Daly  
Planning Inspector

21<sup>st</sup> February 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|  |  |                       |  |
|--|--|-----------------------|--|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>   | 320517-24  |                       |  |
| <b>Proposed Development</b><br><b>Summary</b>  | Permission to install solar panels on the roof of the house along with all associated works. |                       |  |
| <b>Development Address</b>   | The Monastery, Frances Street, Kilrush, County Clare.  |                       |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |  | <b>Yes</b>            | Tick if relevant and proceed to Q2.          |
|  |  | <b>No</b><br><b>X</b> | Tick if relevant. No further action required |
| <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)?</b>  |  |                       |  |
| <b>Yes</b>   | Tick/or leave blank  | State the Class here. | Proceed to Q3.                               |
| <b>No</b>  | Tick or leave  |                       | Tick if relevant.                            |

|  |                           |  |   |
|--|---------------------------|--|---|
| <b>X</b>   | blank                     |  | further action<br>required                      |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                |                           |  |   |
| <b>Yes</b>   | Tick/or<br>leave<br>blank | State the relevant threshold here for the Class of development.  | EIA Mandatory<br><br>EIAR required              |
| <b>No</b>  | Tick/or<br>leave<br>blank |  | Proceed to Q4                                   |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b> |                           |  |   |
| <b>Yes</b>   | Tick/or<br>leave<br>blank | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary<br>examination<br>required (Form 2) |

|   |                        |  |
|---|------------------------|--|
| <b>5. Has Schedule 7A information been submitted?</b> |                        |  |
| <b>No</b>   | <b>X</b>               | <b>Screening determination remains as above<br/>(Q1 to Q4)</b> |
| <b>Yes</b>  | Tick/or leave<br>blank | <b>Screening Determination required</b>                        |

**Inspector: Derek Daly      Date: 21<sup>st</sup> February 2025**