



An
Bord
Pleanála

Inspector's Report

ABP-321336-24

Development

PROTECTED STRUCTURE:

Retention for extension to first floor residential kitchen and all associated works.

Location

Main Street, Borris in Ossory, Co. Laois.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

2460533

Applicant(s)

Brendan and Trudi Kealy

Type of Application

Retention

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

Office of Public Works

Observer(s)

None

Date of Site Inspection

4th February 2025

Inspector

Matthew O'Connor

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is 0.090ha and located at a property known as Kelly's Bar and Shop (a Protected Structure) on the southern side of the Main Street in Borris-in-Ossory, Co. Laois. The site comprises an elongated two-storey building with a shop front, bar front and archway in a form which is typical of an Irish townscape.
- 1.2. The subject site contains a public house on the ground floor with residential use at first floor level. The area to the rear comprises a yard with associated outbuildings. The appeal is neighboured to the west by an adjoining Garda station (appellant's property) and the lands to the east/southeast are currently subject to site construction works for a new development.

2.0 Proposed Development

- 2.1. The subject development comprises the following to a protected structure:
 - retention of a first floor residential kitchen extension (19.42sq.m).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant retention permission for the subject development, subject to 5 no. conditions. I note the following conditions of particular relevance:
 - Condition 2: Existing dwelling and the extension shall be jointly occupied as a single housing unit.
 - Condition 3: Surface water run-off and disposal
 - Condition 4: External lighting to be cowled/directed away from public road and adjoining properties.
 - Condition 5: Development contributions totalling €200.00.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Planner's Report forms the basis for the decision to grant retention permission.
- The report provides a description of the site, relevant planning history and associated policy context from the Laois County Development Plan 2021-2027.

- In terms of assessment, principle of development was deemed acceptable in terms of the site zoning.
- The Planning Authority indicated that there are no significant issues with the proposal and that the extension contributes positively to the property's utility.
- The design and materials are in keeping with the character of the surrounding area and the external access does not affect the functionality or aesthetic of the property.
- The development does not give rise to unacceptable overlooking or unacceptable impacts on the amenities of the properties in the immediate surrounding area.
- No service alterations or access arrangements formed part of the subject development.
- No concerns raised in relation to AA or EIA.

3.2.2. Other Technical Reports

- Water Services - No report at time of writing.
- Roads - No report at time of writing.
- Municipal District Engineer - No report at time of writing.
- Environment - No report at time of writing.
- Heritage Officer - No report at time of writing.

3.3. **Prescribed Bodies**

- Dept of Housing, Local Government and Heritage - No report at time of writing.
- Heritage Council - No report at time of writing.
- Uisce Eireann - No report at time of writing.

3.4. **Third Party Observations**

One third party observation was received by the Planning Authority and is summarised as follows:

- The Commissioners of Public Works own the neighbouring property which an operational Garda Station.
- The Office of Public Works holds a registered Right of Way through the archway of the subject property for rear access to the Garda Station property.

- The Commissioners would like it noted that the proposals should not impinge on the full height of the archway over the Right of Way.
- The Commissioners of Public Works request that it be considered that any increased overlooking of the Garda Station property may have security implications for An Garda Síochána.

4.0 Planning History

4.1. The following relevant planning history is associated with the subject site:

08/1431 Permission GRANTED to 1. Provide an extension to rear of existing property, 2. Change of use from existing office to storage usage, 3. Carry out internal alterations to existing bar & lounge area, 4. Provide new shopfront and rendered finish to existing front elevation. The existing building is a protected structure ref. RPS 326 in the County Development Plan. Applicants: Brendan & Trudi Kealy.

07/181 Permission GRANTED to renovate & extend a protected structure - Licenced premises known as Kellys Bar & off licence. Renovations to existing bar/lounge, new ladies, gents & disabled WC facilities and a smoking area, new traditional style shop fronts to pub and off licence, removal of plaster & pointing of stone wall beneath to front facade of pub and RETENTION permission to retain domestic kitchen to the rear 1st floor level of premises, demolition of sheds to the rear of property at Kellys Bar & Off Licence, Main Street, Borris in Ossory. Applicants: Brendan & Trudi Kealy.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Laois County Development Plan 2021-2027 is the relevant Development Plan for the subject site.

5.1.2. The site is zoned “Town/Village Centre” with an objective *‘to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities’*. According to the Development Plan, the purpose of the Town/Village Centre zoning is to enhance the vitality and viability of town and village centres through the development of under-

utilised land and brownfield sites and by encouraging a mix of uses to make the town and village centres an attractive place to visit, shop and live in. The character of the town and village centres shall be protected and enhanced. The Council will encourage the full use of buildings and backlands; in particular, the full use of upper floors in buildings, preferably for residential use.

- 5.1.3. The following Development Plan chapters and associated policies/objectives are considered to be most relevant:

Chapter 12 - Built and Cultural Heritage

- 5.1.4. Section 12.3.1 relates the 'Protected Structures'. The Development Plan states that Protected Structures are buildings, features and structures that are protected because they are representative of the diversity of the architectural heritage of the county which are of architectural, historical, archaeological, artistic, cultural, scientific, technical and social interest. A protected structure, unless otherwise stated, includes the exterior and interior of the structure, the land lying within the curtilage of the structure and any other structure lying within the curtilage. The protection also extends to any features specified as being in the attendant grounds.

- 5.1.5. Section 12.3.1.1 relates to 'Works to a Protected Structure' and it is indicated that the placing of a structure on the Record of Protected Structures (RPS) seeks to ensure that the character of the structure is maintained and any changes or alterations to it are carried out in such a way as to retain and enhance this character. Works to a protected structure, that would, materially affect the character of the structure, require planning permission, however not all works to a Protected Structure will constitute material alterations.

- 5.1.6. The Development Plan contains a number of Policy Objectives for Protected Structures, however, in the context of the subject development, the following Policy Objective is considered to be of specific relevance:

PS 3 Any development, modification, alteration, or extension affecting a Protected Structure must be prepared by suitably qualified persons and accompanied by appropriate documentation as outlined in the Architectural Heritage Protection Guidelines for Planning Authorities [DAHG, 2011] to enable a proper assessment of the proposed works and their impact on the structure or area

and be carried out to best practice conservation standards. Its setting will be considered against the following criteria, and whether it is:

- a) Sensitively sited and designed;*
- b) Compatible with the special character;*
- c) Views of principal elevations of the protected structures are not obscured or negatively impacted;*
- d) Of a premium quality of design and appropriate in terms of the proposed scale, mass, height, density, layout, and material so that the integrity of the structure and its curtilage is preserved and enhanced. Where appropriate, the Protected Structure status is used as a stimulus to the imaginative and considered design of new elements*

5.1.7. The following Protected Structures Development Management Standards of the Development Plan are also considered to be of particular relevance to the subject development:

DM PS 1 Development within the Curtilage of a Protected Structure

In considering applications for development within the curtilage and/or attendant grounds of a protected structure, the Council shall have regard to the following:

- The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.*
- The proximity of any new development to the main protected structure and any other buildings of heritage value.*
- The design of the new development that should relate to and complement the special character of the protected structure.*
- Outward and inward views from the protected structure are to be protected.*

High quality design will be a foremost consideration when assessing proposals for development within the curtilage of a protected structure, with particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials. This does not preclude innovative contemporary buildings. High quality contemporary interventions will be encouraged over historic pastiche. Development proposals should include appraisal of the wider context of the site and structure including its demesne landscape, where applicable.

DM PS 3 Architectural Assessment Report

The following information is required to be submitted with respect to applications for permission for restoration, refurbishment, demolition development or change of use of protected structures:

- *An Architectural Assessment Report as per the Architectural Heritage Protection: Guidelines for Planning Authorities” (2011) Department of the Arts, Heritage and Gaeltacht carried out by a suitably qualified person;*

A comprehensive schedule of proposed work that follows the guidelines set out in the Architectural Heritage Protection: Guidelines for Planning Authorities” (2011) Department of the Arts, Heritage and Gaeltacht.

Appendix 1: Record of Protected Structures

- 5.1.8. The appeal site is identified as a protected structure RPS No. 326 and has the following description – ‘Kelly’s Shop & Pub Façade, Main Street, Borris-in-Ossory’.

5.2. National Guidance

- 5.2.1. The following national planning guidance is relevant:

Architectural Heritage Protection, Guidelines for Planning Authorities (2011)

- 5.2.2. These guidelines are a material consideration in the determination of applications and set out comprehensive guidance for development affecting protected structures.
- 5.2.3. Chapter 6 includes commentary on Extensions. It is stated that new works for an extension should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. Principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.
- 5.2.4. Paragraph 6.8.3 informs that attempts should not be made to disguise extensions and make them appear to belong to the historic fabric but that this should not be seen as a licence for unsympathetic or inappropriate work. There should be careful consideration of the palette of materials and extensions should complement the

original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

- 5.2.5. Paragraph 6.8.5 informs that there should be careful consideration of rear extensions to protected structures in urban areas as rear elevations sometimes contain fabric that is useful in reading the history of the structure. Extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or the appearance of the structure when viewed from a distance.
- 5.2.6. Section 6.14 relates to 'Retention Permission' and the guidelines inform that if considering granting permission, the works for which retention permission is granted should seek to ensure that they have the minimum possible impact on the character of the structure.
- 5.2.7. Chapter 7 relates to 'Conservation Principles' and the guidelines state that additions and other interventions 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. Section 7.8 relates to 'Respecting Earlier Alterations of Interest' and it is noted that alterations and additions to a protected structure will, in their turn, become part of the structure's history and so it is important that these make their own positive contribution by being well designed and constructed.
- 5.2.8. Section 7.12 relates to 'Ensuring Reversibility of Alterations' and that the use of processes which are reversible, or substantially reversible, when undertaking works to a protected structure is always preferable to allow for the future corrections of unforeseen problems without lasting damage being caused to the architectural heritage. Ideally, permitted works which affect the character and special interest of a protected structure should be reversible. Paragraph 7.12.3 states that the reversibility of proposals is an important conservation principle but should not be used to justify inappropriate interventions.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the Coolrain Bog SAC (Site Code: 002332) which is some 3.5km to the northeast of the appeal site. In addition, the Slieve Bloom Mountains SPA (Site Code: 004160) is 4.63 to the northwest of the appeal site

with the Monaincha Bog/Ballaghmore Bog NHA (Site Code: 000652) located 5.3km to the west of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party appeal has been received in relation to the Planning Authority's decision to grant retention permission. The grounds of appeal are submitted from the neighbouring property to the immediate west of the subject site. The grounds of appeal can be summarised as follows:

Security Concerns

- There is an illegal structure over the archway which provides vehicle and pedestrian access to the rear yard area of the Garda Station.
- The elevated position of the structure allows visibility into the Commissioners of Public Works rear yard thus compromising Garda security and privacy for operational purposes.
- Individuals could observe Garda operations and activities and increasing potential for unauthorised surveillance.

Restricted Access for Vehicles

- The structure may impede vehicle access to the rear when new inner gates are installed for access at the back of applicants' property.
- Any obstruction could delay vehicles entering or leaving the station, particularly Garda vehicles potentially hindering the operational effectiveness of response times to our clients, An Garda Síochána.

New Inner Gates

- The addition of new inner gates along with structural interference caused by illegal construction complicates access to the rear yard.
- If the vehicle access is not adequately planned, it could pose safety risks to clients/visitors and open vulnerabilities to unauthorised access.

Legal and Planning Compliance Concerns

- The development of the structure without planning permission contravenes several sections of planning legislation such as Section 32 of P&D Acts whereby permission must be obtained for new developments. As the structure was built without permission it breaches this requirement.
- It is unclear if the structure complies with Building Regulations, particularly with respect to fire safety, structural integrity and accessibility. Compliance of which is mandatory.
- Depending on the zoning of the area, the structure may breach local zoning laws of the County Development Plan.

Right of Way and Public Nuisance

- The structure potentially obstructs right of way to property which An Garda Síochána occupy and may be a violation of Section 34 of the Planning & Development Act.
- The unauthorised nature of structure, its impact on access and potential non-compliance with regulation require immediate attention.

6.2. Applicant Response

- A response to the grounds of appeal has been received on behalf of the applicants which is summarised as follows:
 - The extension was constructed c. 2007 and at no time during the construction or intervening years have An Garda Síochána raised any concerns/objections regarding the development.
 - Commissioners of Public Works hold a registered Right of Way through the archway from applicants' property. The development does not diminish the Right of Way or its use and does not impinge on the archway height.

- Visibility from the subject property to the Commissioners of Public Works' yard was always available. The extension does not create any newer or greater impact on the adjoining property from overlooking. The development does not impact the amenities of neighbouring properties.
- Vehicle access to the rear of the Garda station via the Right of Way is not impeded or diminished in any way by the extension. There are no inner gates which would restrict access or egress to/from the Garda station. The Gardaí have only used the access a couple of times since 2007. The Gardaí do not have nor have they requested keys to facilitate vehicle access.
- The structure is to be retained which is the reason for the application. There have been no objections raised in the 17 years since it was erected. Perceived difficulties with Building Control compliance are governed by separate legislation and not planning legislation.
- The site is zoned 'Town Centre' in the Development Plan and the development is considered to be in accordance with the zoning objectives.

6.3. Planning Authority Response

- No response received.

6.4. Observations

- None.

7.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the Third Party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development
- Impact on Right of Way & Access
- Overlooking & Loss of Privacy

- Built Heritage
- Appropriate Assessment (Screening)

7.1. Principle of Development

7.1.1. The development to be retained is a kitchen/dining extension (19.42sq.m) at first floor level to the rear of a protected structure on Borris-in-Ossory's Main Street. The site is zoned "Town/Village Centre" in the current Development Plan and therefore I consider that the principle of the development to be retained would be acceptable - subject to complying with other planning requirements as addressed in the following sections.

7.2. Impact on Right of Way & Access

7.2.1. From the outset, I note that issues to do with rights of way are not matters which can be adjudicated by the Board. I also refer to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts.

7.2.2. Notwithstanding, one of the primary and recurring issues raised throughout the grounds of appeal relates to the subject development obstructing/impacting an existing Right of Way and access through the appeal site into the appellant's adjoining property to the west. I note that neither the applicants nor the appellant have submitted a land registry map or any right of way details with the appeal file but I am satisfied, based on the applicant's response to the appeal, that it is not disputed that a Right of Way exists. As this issue has given rise to the appeal, I consider it prudent to address same as part of my assessment.

7.2.3. The extension to be retained is at first floor level and has been constructed on a raised frame composed of Rolled Steel Joists (RSJs) which protrudes from the rear of the principal building above the existing carriageway which runs through the building. I have inspected the appeal site externally from the public area along the Main Street and from the rear area of the appellant's property. Based on my observations, I do not consider that the development to be retained reduces the height or width of the access as it exists through the arch at Main Street and the carriageway within the principal building. In addition, I note that the pair of double gates on the party boundary between

the application site and the appellant's property are not impacted as a result of the first floor level extension.

7.2.4. I am therefore satisfied that access from the appeal site to the rear of the appellant's property is maintained and that the first floor level extension to be retained would not unduly hinder or impinge upon access. Notwithstanding, I conclude on this item by reiterating that the Board has no role in this matter in so far as it relates to the Right of Way. It is a civil matter between the respective affected parties.

7.3. Overlooking & Loss of Privacy

7.3.1. The Third Party raises security concerns with respect to a loss of privacy and risks to operations of the Garda station as a result of the extension. The kitchen/dining room extension to be retained is adjacent to the boundary of the appellant's property and contains narrow high-level window on the west-facing (side) elevation neighbouring the appellant's property. There is also a high-level window on the east-facing (side) elevation along with a primary window and door on the rear (south-facing) elevation which opens onto a balcony and external stairs. As a point of clarity, I note that this balcony and stairs is not included as part of the works to be retained as part of the subject development.

7.3.2 The applicants' response to the appeal claims that visibility from the subject property to the neighbouring yard was always available and that the extension does not create any newer/greater impact on the adjoining property as a result of overlooking and does not impact the amenities of neighbouring properties. I also note that the Planning Authority had regard to overlooking in their assessment of the subject development and indicated that given the size and positioning of the windows that any potential overlooking impacts on neighbouring properties is minimised and ensures that amenity is preserved.

7.3.3. I inspected the rear yard area of the appellant's property which contains a presently unused vernacular-type shed/outbuilding. From my observations, I am of the opinion that the rear yard area is currently not in active use by the Garda Station. I consider that this yard space is overlooked from both the east and west on account of the plot sizes to the rears of the properties along Main Street.

7.3.4. Having regard to the siting of development to be retained, I consider that there would be a perception of overlooking from the first floor extension. However, I am satisfied

that the narrow high level windows mitigate direct overlooking of windows on the east-facing elevation of the rear return at the Garda Station. The external stairs and balcony space (not part of this application) overlook the yard area of the adjoining property to the west.

7.3.5. Therefore, on balance, I satisfied that the development to be retained would not result in undue overlooking or loss of privacy of Garda activity/operations at the neighbouring property to the west.

7.4. Built Heritage (New Issue)

7.4.1. The Third Party appeal does not raise any particular concerns with regard to the development from a built heritage perspective but has made reference to unclarity surrounding compliance with Building Regulations such as fire safety and structural integrity. Notwithstanding, this appeal represents my de novo consideration of all planning matters relating to the subject development in association with issues raised by the appellant.

7.4.2. The extension to be retained is to the rear of the subject building which is designated as a protected structure. The Record of Protected Structures is contained in Appendix 1 of the Laois County Development Plan 2021-2027 and the appeal site is referred to as 'Kelly's Shop & Pub Façade' (RPS No. 326). I note that there is no further detailed description in respect of the subject structure or any additional information regarding any other features of note. That said, guidance in Appendix 1 of the Development Plan states that a Protected Structure is a structure of special interest from an architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view. It is further stated in the Development Plan that the protection given to a structure applies to all parts of the structure, including the interior, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors and all fixtures and features.

7.4.3. The assessment of the Planning Authority noted the protected status of the subject site and indicated that the extent of works to be retained would have no adverse impact on its architectural character or heritage significance. The Planning Authority also stated that the design and materials are in keeping with the character of the surrounding area and that external access does not adversely affect the functionality or aesthetic of the property.

7.4.4. The planning history for the site is outlined in Section 4.0 of this report. From my review, I note that retention permission was approved under Reg. Ref. 07/181 for a 17.5sq.m rectangular shaped first floor level domestic kitchen to the rear of the subject premises. This extension is indicated as being generally sited in the location of the subject works to be retained as part of the current development. The extension is indicated as containing a sliding door on the rear and a corner window on the south-eastern corner. The external finishes are not clearly illustrated. The development subject to this appeal seeks retention of a first floor level kitchen/dining extension (19.42sq.m) to the rear of the subject building. The extension is L-shaped with a flat roof and projects from the first floor level and is erected atop an external steel frame. The extension contains high-level narrow windows on the side elevations and is externally clad with dark navy coloured corrugated metal sheeting. The particulars on the appeal file have not outlined the revisions of the works to be retained from that of any previous development on the site. I consider that the extension to be retained differs from the pre-existing works by reason of design, larger floor area, opes and finishing materials and therefore must be considered on its own merits as per the development description.

7.4.5. I have significant concerns with the development to be retained having regard to the policy provisions of the Laois County Development Plan 2021-2027 and the guidance pertained in the Architectural Heritage Protection, Guidelines for Planning Authorities (2011) regarding extensions to Protected Structures. Policy Objective PS 3 of the Development Plan requires that any development, modification, alteration, or extension affecting a Protected Structure must be accompanied by appropriate documentation outlined in the Architectural Heritage Guidelines (2011) to enable a proper assessment of the works and their associated impact. There are also a number of criteria to consider to ensure that such development is sensitively sited/designed; compatible with the special character; that views of principal elevations are not obscured or negatively impacted; and, has a premium quality of design and appropriate in terms of the proposed scale, mass, height, layout, and materials so that the integrity of the structure and its curtilage is preserved and enhanced.

7.4.6. In considering the above, the extension to be retained significantly breaches and is out of proportion with the principal building's original eave height of the rear roof slope. I am of the view that this extension visually dominates the rear elevation of the principle

building and obscures the view of the original roof. I am not satisfied that the design of the extension has been sensitively considered as per Policy Objective PS 3 of the Development Plan which requires that views of principal elevations are not obscured or negatively impacted. Furthermore, I consider that the development does not accord with the Architectural Heritage Guidelines in terms of extensions to Protected Structures. The guidelines inform that principal elevations of a protected structure should not be adversely affected by extensions or that elevations be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure. I note in this regard that principal elevations is not restricted to the façade of a building and so impacts to the rear of a building must be considered. While I note that the extension is contained entirely to the rear of the Protected Structure and will not be visible from Main Street, it is my opinion that the extension nevertheless has a negative overbearing impact on the rear the protected structure and would be visible when viewed from the local road on the southeastern approach to the Main Street. Therefore, it is my view that the extension to be retained detracts from and negatively impacts on the historical form and integrity of the building and its overall setting as a protected structure.

- 7.4.7. The extension clearly appears as a modern addition that is distinct from the original building and while the principle for this approach is acknowledged to avoid pastiche development, I am not satisfied with the quality finishing materials in the form of corrugated metal sheeting/cladding. With respect to finishes for extensions, I note that the Architectural Heritage Guidelines state that there should be careful consideration of the palette of materials and that extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time. I am of the view that the metal sheeting is unsympathetic to the original building form. Furthermore, I do not consider that the external materials are in accordance with the design criteria of Policy Objective PS 3 of the Development Plan which seeks quality materials that preserve and enhance the integrity of the protected structure and its curtilage. Therefore, it is my opinion that the use of such basic and rudimentary material effectively changes the character of the structure and would be unacceptable.

7.4.8. From my review of the appeal file, I note that no technical information or supporting documentation have been submitted in relation to how the development of the extension has affected the original character of the structure. This is a requirement under DM PS 3 of the Development Plan whereby Architectural Assessment Report(s) are to be submitted with respect to applications for permission for restoration, refurbishment, demolition development or change of use of protected structures. It is therefore unclear to me as to whether or not there has been damage to any original features associated with principle building as a result of the development.

Concluding Remarks on Built Heritage

- 7.4.9. Having regard to the above, I consider that the extension which is proposed to be retained would have a negative effect on the Recorded Protected Structure, its character, context, and overall setting. The development would not be in accordance with the provisions of the Laois County Development Plan 2021-2027, particularly to Policy Objective PS3 insofar as it relates to works to a Protected Structure. In addition, I am not satisfied that the development would be fully consistent with the guidance for extensions as set out in the Architectural Heritage Protection Guidelines (2011).
- 7.4.10. I note that these matters were considered by the Planning Authority but is a 'new issue' in relation to this appeal. Therefore, the Board may wish to seek the views of the parties. However, I do not recommend that the Board considers a grant of retention permission based on the substantive issue raised regarding the design of the extension in the context of the protected status of the structure.

8.0 Appropriate Assessment (Screening)

- 8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1. I recommend that retention permission be REFUSED for the reasons and considerations outlined below.

10.0 Reasons and Considerations

- 10.1. The extension to be retained, by reason of its design being raised above the principal eaves at the rear of the building and use of corrugated metal cladding on the exterior would detract from the building form and seriously injures the architectural character and special interest of the subject property - a Protected Structure. It is considered that the extension constitutes an unnecessary and visually discordant feature on the rear of the subject building and would detract from the setting of the Protected Structure. As such, the development would be contrary to Policy Objective PS3 of the Laois County Development Plan 2021-2027, which requires that any development, modification, alteration, or extension affecting a protected structure must enable a proper assessment of the works in line with best conservation standards. The subject development would, therefore, seriously injure the amenity of the area and be contrary to 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.

Matthew O Connor
Planning Inspector

27th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321336-24		
Proposed Development Summary	PROTECTED STRUCTURE: Retention for extension to first floor residential kitchen and all associated works.		
Development Address	Main Street, Borris in Ossory, Co. Laois.		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		Proceed to Q3.	
No	X	No further action required	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		EIA Mandatory EIAR required	
No		Proceed to Q4	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Preliminary examination required (Form 2)	
5. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____