



An
Bord
Pleanála

Inspector's Report

ABP-321388-24

Development	Retention of alterations to front façade, windows and doors
Location	Thomas Street, Rathkeale, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2460955
Applicant(s)	Nora Kealy
Type of Application	Retention Permission
Planning Authority Decision	Refused Retention
Type of Appeal	First Party
Appellant(s)	Noral Kealy
Observer(s)	
Date of Site Inspection	07 th February 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site comprises of an existing two-storey dwelling in the town of Rathkeale, Co. Limerick. The site is located on the southwestern side of Thomas Street which is located to the north of Main Street. Thomas Street is predominantly characterised by residential development comprised of two-story terraced dwellings, a small number of retail uses that include for a shop with post office incorporated, and a bookmakers. St Annes primary school and St Mary's Church are located further to the northwest and there is on-street car parking along Thomas Street.
- 1.2. The appeal site has a stated area of 0.029 ha and contains an existing two-storey terraced dwelling which has a gross floor area of 187 m².

2.0 Proposed Development

- 2.1. Retention permission is sought to retain alterations carried out to the front façade of the existing dwelling. This includes for the following:
 - The addition of granite stone surrounds and cills to the windows and door, granite quoins on either side of the property.
 - Alterations to the window sizes and the design on the front elevation at ground floor and first floor level.
 - The removal of 1 no. door at ground floor level, and the change of design to the existing front door, on the front elevation.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 19th November 2024, Limerick City and County Council decided to refuse retention permission for the following reasons:

1. *The proposed development, by reason of the poor elevational treatment and design, would adversely affect the visual appearance of the host property and Rathkeale Architectural Conservation Area. The proposal would therefore be contrary to Objective EH O53 of the Limerick Development Plan 2022-2028 and*

Objective HE 05 of the Rathkeale Local Area Plan 2023-2029, which seeks to ensure that the design of any development in the ACA should preserve and enhance the character and appearance of the ACA as a whole and ensure that all development proposals within an ACA be appropriate and contribute positively to the appearance and character of the streetscape.

2. The proposed development is in contravention of planning reference 20/298 and the planning conditions contained therein.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report date 19th November 2024 forms the basis of the assessment and recommendation to refuse retention permission. The following is noted:

- The appeal site is located within an Architectural Conservation Area (ACA) and that there is a protected structure located adjacent to the site.
- The planning history of the site P.A. Ref. 20/298 and the conditions attached to same is noted, in particular condition 10 which did not permit decorative or natural stone finishes to the front elevation and condition 12 which required the provision of rise and fall sash windows.
- The development for which retention was sought did not comply with Policy HE O5 as a result of the use of material finishes.
- In relation to the appeal site relative to the adjacent protected structure, the alterations carried out were not considered to be in compliance with Objective EH O50.
- Concerns were further raised in regard to precedent that the subject development would establish if permitted, having regard to its location within the ACA, and particularly as it is not a protected structure. It was noted that as this is an application for retention, the development has already been carried out.

3.2.2. Other Technical Reports

- Architectural Conservation – Noted previous planning history on site (P.A. Ref. 20/298) and recommended revised design details to show the reinstatement of

timber sash windows based on examples within the ACA, and an AHIA to be submitted to assess the visual impacts of the alterations on the character of the streetscape within the ACA.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1.1. Appeal Site

- P.A. Ref. 87/27463 – permission granted for partial change of use of existing dwelling to shop.
- P.A. Ref. 20/298 – permission granted for the demolition of an existing office building, and the construction of a new dwelling. FI was sought and the overall proposal was revised with the existing building being retained as opposed to demolition.

Condition 10 – The external walls of the house and the proposed extension shall be plaster / dash. The use of decorative stone or natural stone as an external finish is not permitted.

Condition 11 – Relates to appointment of conservation architect to supervise works for the agreement with the planning authority, and the submission of a methodology for the proposed works.

Condition 12 – Required the submission of a phased work plan to include detailed design for rise and fall sash windows for the front façade.

Enforcement

DC-246-24 – Warning letter issued in regard to non-compliance with conditions 1, 2, 7, 8, 11, 12 of P.A. Ref. 20/298.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

5.1.1. Section 2.3.3 Settlement Hierarchy

- Rathkeale is as Level 3 Town.

5.1.2. Section 6.5.5 relates to Architectural Conservation Areas. The following objectives are relevant.

Objective EH O50 Work to Protected Structure

It is an objective of the council to:

- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht.
- c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.
- d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.

Objective EH O53 Architectural Conservation Areas

It is an objective of the Council to:

- a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3.
- b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area.
- c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style.
- e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture.
- f) Seek to safeguard the Georgian heritage of Limerick.
- g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed.
- h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.
- j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

5.2. Rathkeale Local Area Plan (LAP) 2023-2029

5.2.1. Zoning – The appeal site is zoned ‘Town Centre’.

Objective: To protect, consolidate and facilitate the development of Rathkeale’s commercial, retail, educational, leisure, residential, social and community uses and facilities.

Purpose: To consolidate Rathkeale’s Town Centre through densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a high-quality urban environment, which will enhance the quality of life of residents, visitors and workers alike. The zone will strengthen retail provision in accordance with the Retail Strategy for the County Limerick, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car based traffic and enhancing the existing urban fabric.

5.2.2. Chapter 11 Environmental, Heritage and Blue Green Infrastructure

Section 11.3.2 Architectural Conservation Area (ACA)

- Any proposed contemporary design in the ACA should complement the historic character of the ACA, and should be informed by the historic setting in terms of scale and design. High quality architectural design will add to the built heritage and complement the receiving historic environment.

Section 11.4 Archaeological and Architectural Heritage Strategic Policy and Objectives.

- “To protect, conserve and manage the archaeological, architectural and built heritage of Rathkeale, and promote sensitive, appropriate and sustainable development and re-use of older historic built fabric in accordance with Limerick Development Plan 2022 – 2028”.

- Architectural Heritage:

Objective HE O5: Ensure the design of any development in the Architectural Conservation Area, including any changes of use of an existing building, should preserve and/ or enhance the character and appearance of the Architectural Conservation Area as a whole.

5.3. **Architectural Heritage Protection Guidelines for Planning Authorities 2011**

5.3.1. The appeal site is located within an Architectural Conservation Area and adjoins a protected structure. The following is relevant:

Section 3.7 Development Control in Architectural Conservation Areas

- Section 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area (ACA).
- Section 3.10.1 Proposal for New Development – Notes that where a new building is erected in an ACA, it is preferable to minimise the visual impact of the proposed structure on its setting. - The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design.
 - Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.
 - The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings.
 - The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.
- Section 3.10.4 Proposals for Retention – Notes that proposals for retention permission in an ACA should be considered as any other application. Applications for the retention of a development that conflicts with any policies for the area or that would set an undesirable precedent might be made acceptable by imposition of conditions or by requiring the removal and/or replacement of certain elements or details. In such cases the applicant could be asked to submit a visual impact assessment or to revise the proposal in full or with regard to specific details. If it is decided to refuse the retention of significant replacement elements such as windows or doors, it is important that enforcement action be undertaken.

5.4. **Natural Heritage Designations**

- Askeaton Fen Complex SAC (Site Code 002279) approx. 3.85 km to the north.
- Ballymorrisheen Marsh pNHA (Site Code 001425) approx. 3.85 km to the north.
- Cappagh Fen pNHA (Site Code 001429) approx. 4.19 to the north.

- Curraghchase Woods SAC (Site Code 000174) approx. 7.3 km to the northeast.
- Curraghchase Woods pNHA (Site Code 000174) approx. 7.3 km to the northeast.

5.5. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

This is a First Party appeal made by Nora Kealy. The grounds of the appeal can be summarised as follows:

- Multiple changes to the front façade were advised by the builder.
- The front elevation of the dwelling permitted under P.A. Ref. 20/298 was designed with the realignment of windows and doors to the front, however the builder considered that the permitted alterations could cause structural damage to the building resulting in greater cost to remedy.
- The existing windows and doors are located in the original location with the exception of a change of design to the front door from the original existing front door. The change of design would be in keeping with similar architecture throughout the ACA.
- Windows – the first party did not use sliding sash windows as permitted due to cost and installed a simplified the window design to save costs as the project was over budget.
- Granite surrounds – the first party opted to add the granite surrounds to match similar houses in the area. The granite was acquired at no extra cost.

- The first party acknowledges making poor decisions, but had no professional advise and was not familiar with the planning process and proceeded in making these alterations.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is the following:

- Impacts to Character of ACA

7.1. **Impacts to Character of ACA**

- 7.1.1. The subject development seeks to retain alterations carried out to the front façade of the existing dwelling. This includes for the increase in size of the window opes, the removal of a second front door, and the material finishes.
- 7.1.2. The planning authority granted permission under P.A. Ref. 20/298 for a dwelling. I note that condition 10 required plaster / dash finish to the external walls, and restricted the use of decorative stone or natural stone as an external finish. I note that condition 12 required the submission of a phased work plan to include detailed design for rise and fall sash windows to the front façade.
- 7.1.3. The front elevation of the dwelling is at variance with what was originally permitted and I note that enforcement proceedings have commenced which the first party is seeking to address through this retention application.

- 7.1.4. The main concerns of the planning authority relate to the alterations carried out not being in compliance with objective HE O5 of the Rathkeale LAP due to the material finishes used and the contribution of the overall façade on the streetscape of the ACA. It was considered that the elevational treatment relative to Thomas Street was poor and would adversely affect the visual appearance of the dwelling and the ACA. Reference was made to sliding sash windows in the context of condition 12 of P.A. Ref. 20/298 which was not complied with. The Architectural Conservation Officer noted that the existing windows are not sliding sash windows as were required under condition 12 and recommended that revised proposals for timber sash windows. No objection was raised in relation to the removal of the second doorway. The other issues of concern relate to the appeal site adjoining a protected structure. The alterations were deemed to be inappropriate, and concern was raised in regard to precedent that would be established, if permitted.
- 7.1.5. The appeal site is located within Rathkeale Architectural Conservation Area which relates to the lower / southern part of Thomas Street. The subject building is part of a terrace of approx. 10 two-storey dwellings fronting onto Thomas Street. I note that the existing dwelling is not a protected structure, but it immediately adjoins a protected structure to the north, RPS 1542 refers. Thomas Street is generally characterised by three-bay two-storey dwellings with pitched roofs with square-headed window opes and a combination of round-headed and squared-headed front door opes. Some of the dwellings within the ACA have decorative rendered round-headed arches above the front door. Material finishes comprise of render, dashed walls, and rendered quoins, but generally there is a mix of form and material finishes throughout the ACA and Thomas Street as a whole.
- 7.1.6. I note from the planning history P.A. Ref. 20/298, that the original building comprised of an office. The plans and drawings of the original office building show that the form of the window opes generally reflect that of the existing windows on the front façade of the dwelling that are the subject of this retention. Permission was also granted for a second front door.
- 7.1.7. The grounds of appeal argue that the subject development is in keeping with other properties in the ACA. It is stated that the windows permitted under P.A. Ref. 20/298 could have caused structural damage to the building and the original existing window opes are located in their original positions. The first party has stated that sliding sash

windows were not used due to cost and that the use of the granite surrounds was to match similar houses in the area.

- 7.1.8. In relation to relevant planning policy context, I note that the stated objectives of both the Limerick Development Plan 2022-2028 and the Rathkeale Local Area Plan 2023-2029 in particular, HE O5 in relation to ACAs, are generally consistent with one another. It is an objective of the council to protect the character and special interest of an area which is designated as an ACA. In particular, under Objective EH O53 of the development plan, it seeks to ensure that all development proposals within an ACA are appropriate to the character brief for the area. Of note is (c) any new development or alteration of a building within an ACA or immediately adjacent to an ACA, is appropriate in terms of the proposed design, scale, height, mass, density, building lines and materials.
- 7.1.9. Section 3.10 of the Architectural Heritage Protection Guidelines requires that the palette of materials and typical details for façades and other surfaces should generally reinforce the area's character, when assessing proposals within ACAs.

Windows

- 7.1.10. In relation to the type of windows, I note that the pre-existing windows were not sliding sash but comprised of casement windows with hinged opening at top and were marginally lower in height by approx. 0.10 cm. I note that the width is relatively the same as that being retained at both ground floor and first floor. The height of the first floor windows have been raised such that they now appear closer to the roof. This has altered the portions of the building thereby slightly weakening the appearance of the front elevation resulting in being less traditional in form. I note that there is a lack of consistency on Thomas Street within the ACA and beyond in terms of the fenestration on the existing buildings. I consider that the alterations carried out to the windows would not visually impact on the amenity of the area. They do not in my view, result in a significant departure from the character of the permitted dwelling having regard to the original office building that existed on the site, prior to permission for the dwelling being granted. I therefore have no objection to these alterations and consider that they generally reflect that of existing dwellings located within the ACA and that of the adjoining protected structure to the north, and therefore, are generally consistent and assimilate with the appearance of the neighbouring properties.

Front Door

- 7.1.11. Permission is sought to retain the existing front door. I note that a second front door entrance permitted is omitted. I note that the original office building did not have two front doors. The existing front door is wider but it generally reflects the location of that on the original office building. I consider it to be acceptable.

External Finishes

- 7.1.12. The original finish was nap plaster with a rendered quoin flanking the southeastern side of the building only, the same as that existing on the adjoining dwelling to the south. In relation to the external material finishes for which retention is sought, the existing front façade has a nap plaster finish. The windows and the front door have decorative granite surrounds, and granite quoins which flank the sides of the dwelling from ground floor to first floor. The existing dwelling and those immediately adjacent are generally similar in terms of design, scale and finish. They have pitched slate roofs, 3 bay square-headed windows and a number have 2 front door entrances. In relation to the adjoining protected structure to the north, I note that plaster quoins flank the first floor only and that it has a pebble dash finish. Therefore, it is evident that there is a varying degree of design/styles and material finishes among the existing developments located within the ACA itself.
- 7.1.13. The first party in the appeal has stated that the finishes used are in keeping with similar architecture throughout the ACA. While I have no objection in principle to the granite surrounds relating to the windows and the front door entrance, I consider that the granite quoins which flank both sides of the dwelling appear incongruous, particularly in comparison to the adjoining dwellings either side of it. They are not flush with the front façade of the dwelling as they project slightly, and they do not align or integrate visually with the plaster quoins of the adjacent dwelling to the south and the adjoining protected structure. In this regard, should the Board be minded to grant retention, I recommend that a condition is included requiring their removal.

Conclusion

- 7.1.14. Having regard to the context of the streetscape within the ACA, I am satisfied that the alterations carried out and the use of the material finishes do not significantly impact on the character of the ACA, and having regard to Objective EH O53 of the development plan and objective HE O5 of the Rathkeale LAP, I consider that the

existing development is not contrary to these stated objectives, and is therefore in accordance with the property planning and sustainable development of the area.

8.0 AA Screening

8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

8.1.2. The subject site is located in an urban area. It is not located within or immediately adjacent to a European site. The nearest European sites are:

- Askeaton Fen Complex SAC (Site Code 002279) approx. 3.85 km to the north.
- Curraghchase Woods SAC (Site Code 000174) approx. 7.3 km to the northeast.
- Curraghchase Woods pNHA (Site Code 000174) approx. 7.3 km to the northeast.

8.1.3. The proposed development relates to retention permission of alterations carried out to the external façade on an existing dwelling in Rathkeale town, on lands zoned 'Town Centre'.

8.1.4. No conservation concerns were raised in the planning appeal.

8.1.5. Having considered the nature, scale and location of the proposed development 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:

- Small scale and domestic nature of the existing development.
- The location of the development in a serviced urban area.
- Location-distance from nearest European Sites and lack of connections.
- Taking into account the AA Screening determination by the planning authority.

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

8.1.7. Likely significant effects are excluded and therefore appropriate assessment (stage 2) (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

9.0 Recommendation

I recommend that retention permission is granted for the development, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of Objective EH O50 of the Limerick Development Plan 2022-2028 and Objective HE O5 of the Rathkeale Local Area Plan 2023-2029, together with the planning history of the site and its existing established use, the nature, design and material finishes of the development for which retention permission is sought, it is considered that subject to compliance with the conditions set out below, that the subject development for which retention is sought is acceptable, would not have an adverse impact on the amenities of adjoining properties and would not seriously injure the visual amenities of the area or the character of the Architectural Conservation Area. The development for which retention is sought, is therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the planning application on the 07th April 2020 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The front elevation shall be amended as follows:</p> <p>(a) The granite quoins flanking the sides of the existing dwelling from ground floor to first floor shall be removed.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority within three months of the date of this Order.</p> <p>Reason: In the interest of visual amenity and protecting the character of the Architectural Conservation Area.</p>
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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.

Clare Clancy
Planning Inspector

04th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321388-24		
Case Reference			
Proposed Development Summary	Retention of alterations to front façade, windows and doors		
Development Address	Thomas Street, Rathkeale, Co. Limerick		
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	<input checked="" type="checkbox"/>
		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			
No	<input checked="" type="checkbox"/>		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			
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5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____