



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323263-25

### Development

for (a) the change of use from a commercial to residential property, (b) demolition and alterations to the existing building, extension to the rear of the existing building on ground and first floor, to provide 3No. apartments, all necessary ancillary services and associated site works

### Location

53 John Street Upper , Gardens ,  
Kilkenny

### Planning Authority

Kilkenny County Council

### Planning Authority Reg. Ref.

2460668

### Applicant(s)

Pius Phelan, Bentleys Ltd

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Same

### Observer(s)

None.

### Date of Site Inspection

7<sup>th</sup> of January 2026

### Inspector

Caryn Coogan

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## **1.0 Site Location and Description**

- 1.1. The subject site, 0.013ha, is located on John's Street Upper at No. 53. It is a terraced unit (93sq.m.) located midway along the street. The building fronts onto the street with a yard area to the rear.
- 1.2. The property is currently vacant. It has been gutting internally, including removal of the first floor and staircase.
- 1.3. The site is located south of a shopping mall and opposite the Kilford Arms hotel.
- 1.4. There is a lean-to structure at the rear of the building, and a metal clad extension. The rear extensions are to be demolished under the proposal.
- 1.5. The front of the building is a three bay two storey structure with a pitched roof.

## **2.0 Proposed Development**

- 2.1. The proposed development is to change the use of an existing building from commercial residential consisting of three separate residential units. There are two units proposed on the ground floor (Apartment No. 1 is 40sq.m. and Apartment No. 2 is 39sq.m.) with apartment No. 3 on the first floor being 70sq.m. Each apartment has a private amenity area, with 14sq.m. common area.
- 2.2. The existing rear lean-to will be demolished and a two-storey extension to the building is proposed. The planning application forms states the existing building is 93.2sq.m. The gross floor area of the works proposed is 170sq.m. and the area to be demolished is 93.2sq.m.
- 2.3. Further information be requested as below:
  1. a. As the site is located within the zone of Archaeological potential and a number of demolitions and construction are proposed, the applicant shall submit and Archaeological Impact Assessment for the consideration of the Planning Authority.
  - b. As the building is included in the NIAH 12000176, and considerable demolition is proposed internally, an Architectural Heritage Impact

Assessment shall be undertaken by a conservation professional which shall include mitigation measures to ensure historic fabric is protected.

2. The applicant shall demonstrate how the apartments meet the minimum design and floor area requirements of the Sustainable Urban Housing: Design Standards for New Apartments, December 2022.
  3. Please revise existing first floor plan to read “existing” rather than “proposed”.
- 2.4. A report entitled an Archaeological Report was submitted as part of the further information. The planning authority subsequently issued Clarification of Further Information as regards redesigning the proposed extension to include preserving the rear wall of the structure.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Kilkenny Co. Co. **REFUSED** the proposed development for the following reason:

The proposed development notwithstanding the proposed reuse of the building as three residential units involves significant removal of existing fabric from the building which includes the entire rear wall which dates from the mid to late 1800's. The resulting impact on the architectural heritage of the building is considered significant and is contrary to the policies and objectives of Volume 1 the City & County Development Plan 2021- 2027 in particular Sections 2.4 and 9.3.

The proposed development does not comply with the conservation principles and guidelines as set out in the ICOMOS Charter on the Built Vernacular Heritage (as required by the Development Management objectives of the Plan) in the adaptation of the existing building to meet contemporary living standards and needs. The proposed development therefore would be contrary to the proper planning and sustainable development of the area

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

##### 3.2.1. **Planning Reports**

###### **1st Planning Report 24/02/2025:**

- The structure is listed in the National Inventory of Architectural Heritage.
- John's Street is within a Architectural Conservation Area. And Zone of Archaeological Significance
- Further Information is required in respect of a Architectural Impact Statement.

### **2<sup>nd</sup> Planning Report 19/05/2025**

- "It is clearly regrettable that the rear wall of the building needs to be removed, but it is also clear that its retention would greatly compromise the proposed development which compresses a great deal into a small space. There is little of the original layout of the building now remaining and retaining the rear wall will not add much to what does remain." I fundamentally disagree with this statement: as so much fabric from a 19th century building has already been removed without planning consent, the onus should be on retaining what is left i.e the rear wall and redesigning the proposed extension to do so. The AHIA seems to provide a rationale for the development instead of ensuring the remaining historic fabric. The applicant shall be given an opportunity to redesign the extension as ensure the back wall is retained. If time does not allow this on the current application. A refusal is recommended.

### **3<sup>rd</sup> Planning Report 10/07/2025**

- Following a second further information the planning authority was not satisfied the old wall would be removed.

### **3.2.2. Other Technical Reports**

- **Conservation Officer:** This building in the centre of John's Street is an important piece of Kilkenny's architectural heritage, the nonchalant approach to demolishing historic fabric to fit a development design, rather than designing an extension which will integrate the new with the old and save historic fabric as part of the process is concerning. The applicant shall be given an opportunity to redesign the extension as ensure the back wall is retained. If time does not allow this on the current application, I recommend refusal. Any new information submitted or application shall include a conservation architect in the re-design of the new extension. An Architectural

Impact Assessment is required due to the considerable amount of demolition proposed which will materially alter the building.

- Following receipt of the AHIA report by way of further information, the Conservation Officer in his report of the 16<sup>th</sup> of May 2025 stated, the gutting of architectural heritage is a real problem in Kilkenny which seems to be justified in making vacant buildings reusable again. The Conservation Report supports the reuse of this NIAH listed building but not at the continual expense of its historic fabric. Unless the rear wall which is approximately 200years old can be retained, the proposal should be refused.
- When the applicant was requested by the P.A. to revise the overall design to include the rear wall, and this revision was not forwarded by the applicant, the Conservation Officer recommended a refusal based on his report of the 16<sup>th</sup> of May 2025.

### 3.3. Prescribed Bodies

The case was not referred to any prescribed bodies by the planning authority or the Commission.

### 3.4. Third Party Observations

There were none submitted.

## 4.0 Planning History

### 4.1 *Planning Ref. 09990054:*

Planning permission granted on the subject site Granted for

(a) change of use from existing medical centre to a taxi booking office at portion of ground floor level only,

(b) erection of new signage to front elevation, and all associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the **Kilkenny City and County Development Plan 2021-2027**.

#### 5.1.1 9.3.2 Architectural Heritage

##### 9.3.2.2 National Inventory of Architectural Heritage

The National Inventory of Architectural Heritage (NIAH) survey for Kilkenny was published in 2006<sup>27</sup>. The planning authority is obliged to consider for inclusion in its Record of Protected Structures any buildings rated as being of Regional, National or International importance by the NIAH and to consider including structures rated of local importance. The Council are continuing to process, on a phased basis, the addition to the RPS of NIAH buildings recommended for inclusion by the Minister. While structures on this Inventory await assessment for inclusion in the RPS, Kilkenny County Council will have regard to the heritage value of such structures in the context of any development proposals. It is Council policy to ensure the protection of architectural heritage by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.

##### **Development Management Requirements:**

- To have regard to the Architectural Heritage Protection Guidelines<sup>28</sup> when assessing proposals for development affecting a protected structure and buildings listed in the NIAH.
- To encourage the sympathetic retention, reuse and rehabilitation of protected structures and their setting, while ensuring the involvement of suitably qualified professionals
- To ensure proposed service upgrades undertake an initial assessment of current services, to ensure the internal environment and fabric is not impacted on by such works. Energy assessments and Architectural Heritage Impact

Assessments may be required where energy and service upgrades are proposed.

- To ensure proposed development within the curtilage or attendant grounds of a protected structure respects the protected structure and its setting,
- To require an architectural impact assessment where appropriate for developments within the grounds of country house estates which are Protected Structures.
- To promote principles of best practice in conservation in terms of use of appropriate materials, repair techniques, and thermal upgrades by adhering to the guidelines as set out in Department of Housing, Local Government and Heritage's Advice Series publications
- To promote best conservation principles and practice when assessing proposals for Kilkenny's architectural heritage
- To ensure that energy upgrades for buildings constructed from traditional materials are respectful of architectural features, form, and environmental requirements necessary to maintain breathability in the structure.

### **9.3.3 Architectural Conservation Areas**

Each development plan must include a policy objective to preserve the character of Architectural Conservation Areas (ACAs) within its functional area. An ACA is a place, area, group of structures or townscape, taking account of building lines and heights, that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or that contributes to the appreciation of a protected structure, and whose character it is an objective of the development plan to preserve. The purpose of designating an area as an ACA is to manage change, affording greater control over the form of development and reducing instances of inappropriate development and demolition. The character of an ACA is often derived from the collective value of an area's buildings, their setting, landscape and other locally important features developed gradually over time. It is usually an expression of our culture and identity and contributes significantly to the quality of our lives.

**CCACA 1:** Assessment of proposals for the presentation of commercial premises will require retention of genuine early/original shopfronts/pubfronts, and the provision of

high-quality contemporary design when new shopfronts/commercial fronts are proposed.

### **General ACA Development Management Guidance**

To seek the retention, repair and maintenance of the buildings which make up the streetscape of the ACA

- To ensure the retention, repair and the regular maintenance, rather than replacement, of original/early features in buildings which contribute to the character of an ACA such as chimney stacks, roof coverings, roof profiles, external wall treatments, doors and windows, shopfronts and pub fronts, while ensuring appropriate materials and repair techniques are used when repairs are being carried out.

*Relevant Extracts from the Development Plan are included in the appendix of this Report.*

## **5.2. Natural Heritage Designations**

River Barrow and River Nore Special Area of Conservation (Site Code 002162) 305m from the subject site.

River Nore Special Protection Area (Site Code 004233) 305 m from the subject site.

## **5.3. 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 Appendix 1 of report.

## **6.0 The Appeal**

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

The following is a summary of the First Party appeal:

- 6.1.1 The design approach was carefully considered to retain and respect the building's principal architectural features, particularly the street facing elevation and core structural elements which define historic character.
- 6.1.2 The rear wall in question was evaluated by the qualified structural engineer and it was determined to be structurally deficient and significantly altered in previous interventions. Its proposed removal and replacement were advised as necessary to ensure the longterm structural integrity of the building and compliance with modern regulations. See attached photos.
- 6.1.3 The proposal was prepared in good faith and in broad compliance with conservation principles outlined in the ICOMOS Charter on the Built Vernacular Heritage. The intent of the proposed works is not to diminish the buildings heritage value but to sensitively adapt it for viable contemporary residential use, securing its continued occupancy and maintenance.
- 6.1.4 The adaption seeks to balance modern residential standards with heritage sensitivity recognising that a vacant or underutilised building is itself a risk to longterm heritage preservation.
- 6.1.5 Detailed assessments and methodologies including a conservation report and heritage impact assessment were submitted with the planning application to guide and justify the proposed interventions.
- 6.1.6 The proposal aligns with the development plan objectives to promote and reuse the existing building in an urban area for sustainable and efficient land use.
- 6.1.7 The wall in question has been altered many times over the years and is not publicly visible as the rear of the building is surrounded by other buildings.
- 6.1.8 ***Appended Report***
- Horizon Archaeology Ltd were appointed by the applicant to prepare an Archaeological Impact Assessment and an Architectural Impact Assessment. The planning application was the subject of Further Information.
  - The planning authority required the redesign of the development to allow retention of the original rear wall of the property.

- The rear wall was inspected and it has been considerably altered when extensions were added and where windows have been knocked out into doors to allow access to the extensions. The alterations have resulted in the removal of the original limestone rubble masonry, with brick surrounds and the introduction of mass concrete, and concrete blocks. The construction in the 20<sup>th</sup> century of a single storey return to the east of the property resulted in a new ope being inserted into the rear wall. Also the construction of an entresol return including upstairs toilet, resulted in significant alterations including the introduction of concrete blocks and shuttered concrete.
- Neither the AIA or the AHIA identified any particular archaeological or architectural identified any particular archaeological or architectural heritage value to the rear wall of No. 53 John Street Upper. There is no evidence of reused earlier masonry, or blocked up earlier opes.
- A redesign of the proposal would be required for retention of the rear wall, which may render the end-use of the building unviable. The proposal allows for the retention of the historic fabric, including its fenestration, both party walls. The retention of these elements is a positive impact as the existing dilapidated underutilised building will be refurbished and its future is secured.
- The site inspection evidenced of a block up ope in their rear boundary wall. This blocked up ope originally provided between the property and the walled garden plot to the rear (southeast) prior to the construction of St. John the Evangelist Church (NIAH 12000178) in the early 20<sup>th</sup> century. The proposed development will preserve this ope in situ, allowing the 'reading' of the boundary wall. This is also a positive outcome in relation to the heritage of the building.
- The Further Information submission from D. Brennan and Ass. Dated 6<sup>th</sup> of June 2025 is included with the appeal.

## 6.2. Planning Authority Response

A summary of the planning authority's submission is as follows:

- It should be noted that the application under reference 24/60668 was lodged to the PA on the 23/12/2004. Further information was requested on 25<sup>th</sup> of February 2024 seeking Architectural Heritage Impact Assessment to be undertaken by a conservation professional including mitigation measures to ensure historic character.
- The response did not show any alteration to the proposed design from the original proposal therefore it is unclear how the design approach achieved careful consideration of the building's principal architectural features. The interior of the building was completely gutted, and the features were not documented. This has changed the nature and context of the original planning application completely.
- The rear wall was evaluated by a qualified structural engineer and it was determined it was structurally deficient and significantly altered in previous interventions. The Conservation Officer requested clarification on this issue. It was stated the Conservation Office supports the reuse of NIAH buildings but not at the continual expense of the historic fabric. Unless the rear wall which is approximately 200 years old can be retained the proposal should be refused.
- The planning department concurs with the Conservation Officer and it is of the opinion the design was not approached giving careful consideration to retain and respect principal architectural features based on the sequence of submission of documents.
- The technical reports provided with the planning application conclude it is impossible to provide the three residential units with adequate living space without removing the old wall that is in poor condition. It is the opinion of the planning authority that the wall needs assessment first, and having regard to its condition, a design should be brought forward to secure retention of the wall and its stability while also providing accommodation.
- The proposed development is contrary to the policies and objectives of the City and County Development Plan in relation to the consideration and protection of the built heritage. It is a development management requirement of the Council (page 147 Vol 1) that in assessing applications for development

to have regard to the Architectural Heritage Protection Guidelines when assessing proposals affecting a protected structure and buildings listed in the NIAH.

## 7.0 Assessment

- 7.1. I have considered the planning application, the appeal submissions and inspected the site.
- 7.2. The subject site is 53 John Street Upper, Kilkenny which is listed in the National Inventory of Architectural Heritage, No. 12000176, of Regional Importance. It is described as a terraced three bay two storey house built in 1875. The description states the pitched roof was replaced with artificial slate in the 1950s, with rendered chimney stacks and cast-iron rainwater goods.
- 7.3. According to the planning application documentation, the building has had a number of commercial uses over the past few decades, since it was a GP practice in the 1990s. The current planning application is to change the use of the site from commercial to residential incorporating two ground floor apartments and a first-floor apartment. This development includes the removal of modern additions to the rear of the original building, and the construction of a new two storey extension. The floor plan reveals the existing back wall of the structure is to be removed, and the new development will stretch the length of the existing building footprint with a new rear extension, including 2No. small garden areas on the ground floor and a balcony serving the two bedroomed apartment on the first floor.
- 7.4. The crux of this appeal relates to the existing rear wall of the structure, not the boundary wall, the stone wall as indicated on Drawing No. 10 of the submission documents which illustrate the existing floor plans. The proposed floor plans, Drawing No. 11, illustrates that the rear wall of the existing structure and the extensions at the rear, are being removed entirely. This creates space for two apartments on the ground floor 40sq.m. and 39sq.m. respectively, and a single apartment on the first floor 70sq.m.
- 7.5. The planning application was not accompanied by any Architectural Heritage report even though the structure is included in the NIAH and within a designated ACA. The omission of an Architectural Heritage Impact Assessment contravened the relevant

sections under section 9.3.3 Architectural Heritage of the Kilkenny City and County Development Plan 2021-2027. Within the ACA, the development plan calls for '*the retention, repair and the regular maintenance, rather than replacement, of original/early features in buildings which contribute to the character of an ACA such as chimney stacks, roof coverings, roof profiles, external wall treatments, doors and windows, shopfronts and pub fronts, while ensuring appropriate materials and repair techniques are used when repairs are being carried out.*' The planning authority requested the required AHIA report in the further information. The further information from the applicant including the requested report, was received by the planning authority on the 25<sup>th</sup> of April 2025. The report correctly states the front elevation of the structure is to remain unchanged under the proposal. The report also stated, 'the rear wall of the building which is under consideration for demolition appears to be 150 years old. It does not have any particular features of historic significance beyond those associated with a wall of its age. It is suggested that the demolition of this wall will have a Moderate Impact on the building itself.' The report also states it is regrettable that the rear wall of the building needs to be removed, but it is clear that its retention would greatly compromise the proposed development which compresses a great deal into a small space. '*There is little of the original layout of the building now remaining and retaining the rear wall will not add much to what does remain.*' The report had been requested by the Conservation Office in the planning authority. Following receipt of the AHIA the Conservation officer did a more detailed report on the 16<sup>th</sup> of May 2025.

- 7.6. Having considered the applicant's Architectural Heritage Impact Assessment Report, the Conservation Officer stated that so much of the fabric of 19<sup>th</sup> century building had already been removed without planning consent, the onus should be on retaining what is still existing, i.e. the rear wall, and the overall design of the proposed extension to incorporate retention of the existing built fabric of the original structure. The Conservation Officer recommended the applicant be given an opportunity to integrate the extension with the old wall and save the remaining historic fabric of the building, otherwise the proposal should be refused. Following receipt of the Clarification of Further Information, the applicant did not revise the proposed scheme. On the 10<sup>th</sup> of July 2025, the Conservation Officer recommended a refusal

as per his report of the 16<sup>th</sup> of May 2025. As stated above, I agree with the Conservation Officer's assessment and recommendations.

- 7.7. The applicant stated in the response of the 18<sup>th</sup> of June 2025, the rear wall must be removed in order to comply with Sustainable Urban Housing: Design Standards for New Apartments (December 2022). A number of revised design iterations were explored with the aim of preserving the wall. However, these resulted in substandard layouts, compromised daylighting, or contraventions to the Sustainable Urban Housing: Design Standards for New Apartments (December 2022). A report from a structural engineer was also submitted with the Clarification of Further Information, stating it is impossible to get the layout of 3No. units without removing the wall in poor condition. It is stated the wall has structural cracking and does not have adequate foundations. The proposal to provide underground heating and a new deep insulated floor will further undermine the foundations. The report concluded it would be environmentally beneficial for the applicant to demolish the old rear wall and to construct a new energy efficient, structurally sound new living accommodation. These reports were submitted by the appellant on appeal. The applicant submitted on appeal the proposed development is not to diminish the buildings heritage value but to sensitively adapt it for viable contemporary residential use.
- 7.8. The planning authority refused the proposed development because the development involved the removal of the entire rear wall of the structure which dates back to the late 1800s. The resulting impact on the architectural heritage of the building would be contrary to the policies and objectives of Volume 1 of City and County Development Plan 2021-2027 in sections 2.4 and 9.3.
- 7.9. Prior to refusing the planning application, the planning authority gave the applicant every opportunity to incorporate the buildings principal architectural features into the overall design. The planning authority considered it was inappropriate for the applicant to gut the building in the manner in which it was cleared in particular, the fact, the features of the building were not documented. In the Conservation Officer's report, it is stated the gutting of architectural heritage is a serious problem, which seems to be justified in making vacant buildings reusable. The Conservation Office supports the re-use of the building but not at the expense of the historic fabric. I have examined the reports submitted by the applicant regarding the architectural heritage. There was no detailed structural assessment of the wall. There was no

attempt to present or justify not incorporating the walls into the refurbishment works and overall design. It would appear the applicant held a steadfast and non-compromising approach to provide three new apartments within the front and side of the building, and not the original shell of the building creating an entirely new building footprint including demolition of the rear wall. The basis of the applicant's technical reports lies firmly with the provision of 3No. apartments within the structure. In fact, the response to the further information in April 2025, the applicant's agent states the removal of the wall is justified in order to comply with the *Sustainable Urban Housing: Design Standards for New Apartments (December 2022)*.

- 7.10. I refer to Kilkenny City and County Development Plan Volume 1, Section 9.3.2.2 Development Management Requirements which states, *To have regard to the Architectural Heritage Protection Guidelines when assessing proposals for development affecting a protected structure and buildings listed in the NIAH*. In relation to buildings within the ACA the Plan it states, *To ensure the retention, repair and the regular maintenance, rather than replacement, of original/early features in buildings which contribute to the character of an ACA such as chimney stacks, roof coverings, roof profiles, external wall treatments, doors and windows, shopfronts and pub fronts, while ensuring appropriate materials and repair techniques are used when repairs are being carried out*.

The proposed development makes no attempt to adhere or address the above development plan requirements. The professional reports mainly conclude it is not possible to provide three modern high rated energy efficient buildings with a low carbon footprint and to retain the back wall. I accept the historic façade and the party walls will be retained, which is considered a positive impact, and the building will be reused. However, in my opinion, this structure is listed in the National Inventory of Architectural Heritage and located in an Architectural Conservation Area. The adaptive reuse of the building is welcome, however the essential shell of the building should be preserved and incorporated into the proposals. The original walls maintain the buildings historic aesthetic which distinguishes it from other buildings along the streetscape. There is no thorough examination of structural integrity of the building apart from stating there is cracking in the old walls and there are inadequate foundations. The report states there would only be small sections of the walls remaining, however, there were no designs provided to justify these conclusions

forwarded by the applicant. I am very concerned granting the permission based on the incomplete evidence presented, that an unacceptable precedent this could created in the Kilkenny city. In conclusion, I concur with the planning authority's reason for refusal and the recommendations of the Conservation Officer's report.

## **8.0 AA Screening**

8.1 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore Special Area of Conservation (Site Code 002162) in view of the conservation objectives of the site and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.2 This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by the planning authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## **9.0 Water Framework Directive**

9.1 The subject site is located on John's Street Upper, Kilkenny. The proposed development consists of a rear extension and conversion of an existing two storey commercial unit for residential use. No water deterioration concerns were raised in the planning appeal. The River Nore runs through of the built-up footprint of Kilkenny. The River Nore is circa 305m south of the subject site. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary,

restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

I recommend the planning authority's decision to refuse be upheld by the Commission.

## **11.0 Reasons and Considerations**

Having regard to the Kilkenny City and County Development Plan 2021-2027, in particular Section 9.3.2 (Architectural Heritage) which provides for retention, repair and the regular maintenance, rather than replacement, of original/early features in buildings which contribute to the character of an ACA and having regard to the report of the architectural conservation officer of 16<sup>th</sup> of May 2025, which states the removal of the entire rear wall has the potential to have a significant impact on the structural integrity of the historic walls of this property and neighbouring properties, it is considered that the applicant has not provided sufficient evidence to demonstrate that the retention and incorporation of the rear wall is not feasible. Consequently, the proposed demolition of the existing rear wall would result in the unjustified loss of architectural heritage, contrary to the policy requirements of Kilkenny City and County

Development Plan 2021-2027 for built heritage and would create a highly undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Caryn Coogan**  
**Planning Inspector**

**17<sup>th</sup> February 2026**

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323263
<b>Proposed Development Summary</b>	for (a) the change of use from a commercial to residential property, (b) demolition and alterations to the existing building, extension to the rear of the existing building on ground and first floor, to provide 3No. apartments, all necessary ancillary services and associated site works
<b>Development Address</b>	53 John's Street Upper, Kilkenny
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Class 10(b)(i), Schedule 5 Part 2
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i), Schedule 5 Part 2 EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. The proposal is significantly below this threshold being a change of use from commercial to 3 no. apartments and the site has an area of 0.01 hectares which is sub threshold.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	
<b>Development Address</b>	
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is a modest development within an existing urban footprint and brownfield site. It does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b> <b>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</b>
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**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_