



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323547-25

#### Development

Retention: Replacement upvc sash windows in lieu of condition 2 of planning ref 21/51803.

#### Location

Drumnasillagh, Glenties, Letterkenny Po, Co. Donegal

#### Planning Authority

Donegal County Council

#### Planning Authority Reg. Ref.

2561062

#### Applicant

Paul Moore

#### Type of Application

Retention

#### Planning Authority Decision

Grant with conditions

#### Type of Appeal

Third Party

#### Appellant

Joseph Brennan

#### Observer(s)

None

#### Date of Site Inspection

9<sup>th</sup> December 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 0.014 ha and is located on the Main Street in Glenties, Co. Donegal. The site comprises a two-bay, three storey above basement building former commercial/warehouse building dating from the late nineteenth century. The structure is distinctive on the main street given its narrow three storey design amongst the neighbouring two storey buildings which flank it. The building is currently subject to internal refurbishment works. There is an archway beneath an adjacent building which access to a rear yard area behind the subject building. Given the location of the subject site fronting the Main Street, the prevailing uses in the immediate surrounds include a variety of local commercial businesses such as shops, pubs, take-aways/restaurants, professional services and a hotel along with town houses. The subject site is not listed as a Protected Structure or within an Architectural Conservation Area (ACA) but is listed on the National Inventory of Architectural Heritage (NIAH).

## 2.0 Proposed Development

- 2.1. The subject development comprises retention the following:
- replacement of uPVC sash windows in lieu of condition no. 2 (a) of planning Ref. No. 21/51803.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Grant retention for the subject development, subject to 3 no. conditions. I note the following condition is of particular relevance:

*Condition No. 2 Applicant shall replace the PVC windows on the front elevation and install historically informed wood sash windows to match the former windows like for like. Full details of the design of the windows should be submitted to the Planning Authority for approval before development commences.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to grant retention.

- Regard was had to the submitted documentation, locational context of the site, policy framework of relevant Development Plan; any inter departmental/referral reports; and, submission received.
- In terms of assessment, the principle was deemed to be acceptable and applicable to policies AH-P-7 and AH-P-8 of the Development Plan.
- In relation to siting and design, the Planning Authority noted that the PVC windows to be retained replaced the original timber sash windows. The replacement PVC windows indicated as not being in accordance with Reg. Ref. 21/51803 and would detract from the character and appearance of this building on the Main Street.
- No concerns were raised with residential amenity as no new windows have been installed. In addition, the development would not intensify the existing vehicular arrangement.
- The Planning Authority raised no concerns with regard to public services.
- It was acknowledged that the site is located within Flood Zone A and B however given the minor scale of works to be retained and the associated site history, no further assessment of flooding is required.
- No concerns raised in respect of Appropriate Assessment or Environmental Impact Assessment.

### 3.2.2. Other Technical Reports

- Roads Engineer – No comment.
- Conservation Officer – Report received which recommending that the PVC windows be replaced on the front elevation by historically informed wood sash windows to match the former windows like for like.

### 3.3. **Prescribed Bodies**

- Heritage Council - No response received.
- An Taisce - No response received.
- Dept of Housing, Local Government and Heritage - No response received.

### 3.4. Third Party Observations

3.4.1. The Planning Authority received 1 no. third party submission which is summarised as follows:

- The initial planning permission included a Conservation Report highlighting the architectural features of the building and resulted in the existing windows being conditioned.
- Once building works commenced, new uPVC windows which neither match the original windows or the windows proposed in the submitted planning drawings.
- The new uPVC windows on the sides of the building changed the style of the window and removed opaque glazing resulting in overlooking of neighbouring properties.
- The building is extremely prominent and a focal point to tourism within the town and as such should retain as much historic details as possible.
- The elevation and plan drawings are inaccurate and not consistent with original plans/permission.
- Part of the development in basement level would require permission from the neighbouring property owner.

### 4.0 Planning History

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

**2151803** Permission GRANTED for (1) change of use of redundant warehouse to multi-use cultural exhibition space on ground and first floors, including a ground floor single storey rear extension accommodating store & toilet (2) change of use from redundant warehouse to an artist's residence on the second floor. Applicant: Paul Moore.

4.2. A notable condition of this permission is Condition No. 2 which states:

2. (a) *All external traditional joinery shall be retained including timber sash windows, doors (both to rear and side) and fixed pane timber window (ground floor on front elevation).*
- (b) *All render and stucco detailing shall be retained and repaired like for like on front elevation.*

- 4.3. The following Planning Enforcement Cases are associated with the subject site: UD24236 and UD24146.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The County Donegal Development Plan 2024-2030 is the relevant Development Plan for the appeal site.
- 5.1.2. Glenties is designated as a 'Rural Settlement' which is layer four out of five in the Settlement Hierarchy of the Development Plan. Rural settlements are subject to the provisions of Chapter 21 which relate to Settlement Frameworks. Such frameworks identify settlement boundaries and in some instances, zoning objective, however, they primarily include lands with no specified uses or policies/objectives.
- 5.1.3. The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:
- 5.1.4. Chapter 5 relates to 'Towns and Villages' and it is noted that the Plan recognises the importance of rural towns and villages in supporting the wider rural community and therefore seeks to enable their revitalisation and regeneration as a key strategic intervention.
- 5.1.5. Chapter 11 relates to Natural, Built & Archaeological Heritage and the following objectives and policies are relevant to the proposal:

AH-O-1 Conserve, manage, protect and enhance the architectural heritage of Donegal namely Protected Structures, Architectural Conservation Areas, NIAH structures, designed landscapes and historic gardens, vernacular, historic building stock industrial and maritime built heritage, character and setting of such structures.

AH-O-2 Promote the sustainable and sensitive re-use of the existing built heritage as a positive response to climate change, and promote the circular economy and climate mitigation and adaptation through proper maintenance, repair and appropriate retrofitting, adaptative re-use and regeneration employing best conservation practice. This objective will be pursued on a collaborative and integrated basis in partnership with all relevant stakeholders and through all available funding mechanisms.

- AH-P-1 Seek to ensure best conservation practice through the application of the Guiding Principles of Architectural Conservation as referenced above, where appropriate including in relation to RPS, NIAH, and Vernacular structures and within ACA's. In this regard, the use of specialist conservation professionals, conservation plans and crafts persons shall be encouraged.
- AH-P-7 Protect NIAH structures by requiring that development of structures on the NIAH including the curtilage, attendant grounds and setting of the structure are appropriate in terms of architectural treatment, character, scale, and form, and is not detrimental to the special character and integrity of the structure and its setting, save to the extent necessary to provide for strategic infrastructure projects including but not restricted to the TEN-T Priority Route Improvement Project, Donegal. the Bridgend to County border project scheme, the Buncrana Inner Relief Road and Greenways. This policy will be implemented by the Council in so far as same can be practicably and reasonably achieved within the context of said projects.
- AH-P-8 Ensure high quality architectural design of all new development relating to or which may impact on NIAH structures (and their setting) save to the extent necessary to provide for strategic infrastructure projects including but not restricted to the TEN-T Priority Route Improvement Project, Donegal, the Bridgend to County border project scheme, the Buncrana Inner Relief Road and Greenways. This policy will be implemented by the Council in so far as same can be practicably and reasonably achieved within the context of said projects.

5.1.6. Chapter 16 relates to Technical Standards.

## 5.2. **National Guidance**

Architectural Heritage Protection, Guidelines for Planning Authorities (2011)

5.2.1. These guidelines are a material consideration in the determination of applications and set out comprehensive guidance to the protection of architectural heritage.

- 5.2.2. Chapter 6 relates to 'Development Control' and contains commentary with respect to respect to Retention Permission.
- 5.2.3. Part 2 of the Guidelines sets out Detailed Guidance Notes which are aimed at assisting planning authorities in their role to protect architectural heritage.
- 5.2.4. Chapter 7 relates to 'Conservation Principles' with section 7.9 providing guidance on 'Repairing Rather the Replacing'.
- 5.2.5. Chapter 10 relates to 'Openings: Doors and Windows' with section 10.4 specifically referring to Windows. In addition, section 10.4.4 relates to sash windows and sections 10.4.15 to 10.4.23 inclusively sets out considerations of proposals affecting windows.

#### National Inventory of Architectural Heritage

- 5.2.6. The subject building is listed on the National Inventory of Architectural Heritage (NIAH). The Register Number of the building is 40837011 and according to the survey data on the National Built Heritage Service (NBHS), the building dates from between 1860 and 1880, its original use was as a shop/retail outlet, its categories of special interest are architectural and social, and it has a regional rating. The description and appraisal of the building is set out below:

##### Description:

*Attached two-bay three-storey gable-fronted former commercial building, built c. 1870, having shopfront. Apparently formerly in use as a knitwear factory (until 1992) with shop. Later in use as a house, now disused. Pitched artificial slate roof (formerly with stucco eaves pediment to front elevation) having brackets to base at eaves level and with smooth rendered coping over, and with decorative bargeboards. Smooth rendered walls above ground floor level with channelled smooth rendered walls at ground floor level over projecting smooth rendered plinth course, stucco cornice stringcourse above ground floor level, stucco cornice at ground floor level at arch spring point to openings, moulded stucco panel with stucco architraved surround between first and second floor levels, and having raised parallel block quoins to the corners above ground floor level. Square-headed window openings at first and second floor level having cut stone sills on corbels, architraved surrounds, and two-over-two pane timber sliding sash windows. Three-centred window opening to ground floor having painted stone*



*sill, fixed-pane timber display window, and with modern metal grille over. Square-headed window openings to the side elevations (north and south) at second floor level having stone sills, and three-over-three pane timber sliding sash windows. Recessed round-headed doorway to the south end of the front elevation having timber panelled door with moulded timber lintel over, and with plain overlight. Road-fronted to the centre of Main Street, Glenties.*

### *Appraisal*

*An attractive and distinctive building with a strong classical character, dating to the last decades of the nineteenth century, that is impressive for its tall narrow form and gable-fronted form that gives it a strong presence in the streetscape to the centre of Glenties. Its front elevation is enlivened by the extensive render and stucco detailing particular the bracket eaves course to the gable apex, stringcourses, architraved surrounds to the window openings, channeled walls at ground floor level, quoins, and the rectangular plaque above the first floor openings. It formerly had a stucco eaves pediment until recent years but this appears to have been removed and replaced by modern soffits and bargeboards. Its visual appeal and integrity are enhanced by the retention of salient fabric such as the timber sliding sash windows and the fixed-pane timber window at ground floor level. The loss of the natural slate roof is regrettable. According to local information this building was formerly in use as a knitwear factory with shop run by the McDevitt family. Slater's Directory of 1881 records that the 'principal business carried on [in Glenties] is the manufacture of hand-knit hosiery, tweeds, and flannels by Messrs. D. [Daniel] and H. [Hugh] McDevitt, who employ around 1,600 families in the district and for many miles around'. Daniel McDevitt lived at Park-na-Cloy and Hugh at Stranakivlin House at this time. They apparently had business interests in South America and Scotland. Daniel commissioned the young rising architect Timothy Hevey to design an imposing house with tower at Glenties in 1866. This appears never to have been built? Daniel McDevitt had an estate totalling 1,176 acres in 1876. He was apparently instrumental in the establishment of a railway line to Glenties and he was presented a silver post horn (now in National Museum) by Marquis of Conyngham (the proprietor of the town and vast estates in the area) in 1867. The McDevitt business apparently remained in operation until it closed in 1992 with the loss of over 50 jobs. This*

*imposing building retains its early form and character, and is the most impressive building aligning Main Street to the centre of Glenties.*

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

5.3.1. The appeal site is not located within any designated Natura 2000 sites. However, the appeal site is in close proximity to the West of Adara/Maas Road Special Area of Conservation (Site Code: 000197) which is located approximately 20m to the west of the site. A number of other Natura 2000 sites are also of note and include the Lough Nillan Bog (Carrickatlieve) Special Area of Conservation and the Lough Nillan Bog Special Protection Area (Site Code: 004110) which is located approximately 1.35km to the south of the site; the Gannivegil Bog Special Area of Conservation (Site Code: 000142) is located approximately 8.4km to the north of the site; the Meenaguse Scragh Special Area of Conservation (Site Code: 001880) is approximately 8.5km to the southeast; the Meenaguse/Ardbane Bog Special Area of Conservation (Site Code: 000172) which is located approximately 8.7km to the southeast; the River Finn Special Area of Conservation (Site Code: 002301) is approximately 9.1km to the east; and, the Derryveagh And Glendowan Mountains Special Protection Area (Site Code: 004039) is approximately 9.5km to the north. In addition, the closest Natural Heritage Areas is the Meenmore West Bog NHA (Site Code: 002453) which is 9.73km from the site. There are also a number of Proposed Natural Heritage Areas (pNHA) in proximity to the site including the West Of Ardara/Maas Road pNHA which is 0.67km to the northwest; Lough Nillan Bog (Carrickatlieve) pNHA which is 1.35km to the south of the site; Derkmore Wood Nature Reserve pNHA (Site Code: 000131) which is 4.44km to the north of the site; and Meenaguse Scragh pNHA which is 9.52km to the southeast of the site.

## **6.0 EIA Screening**

6.1. Having regard to the nature and scale of the development to be retained, the subject 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 (or Part V of the 1994 Roads Regulations). 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The Third Party appeal has been received in relation to the Planning Authority's decision to grant retention and the grounds of appeal can be summarised as follows:

- The Planner's Report agreed with the Conservation Officer's recommendation that the replacement windows are not in accordance with the parent permission and detract from the character and appearance of the historic warehouse. All PVC windows should be replaced and not just the front elevation.
- The Planner's Report is incorrect by stating that no additional windows have been installed as upper floor windows on the side have been replaced.
- All windows in the building should be considered equal as they are visible from public spaces and all PVC windows detract from the historic character of the building. The windows on the sides should also be replaced with historically informed wood sash windows and by restoring the style and opaque glazing.
- Condition No. 2 of the decision fails to set a timeframe or process for replacing the windows and is unclear as to when the replacement windows would be checked.
- The submitted plans are significantly different to the original application and contain errors. This should have been enough to refuse retention or at least triggered a request for Further Information.
- Ground floor window labelled as existing single glazed timber window to be repaired and decorated. This is not correct as this window has already been replaced with a PVC window.
- Both side elevations show original window style and pattern but the new windows do not match. A side elevation is labelled as plain render but this wall is mostly exposed stone and to cover it up as suggested would detract from the historic character of the building.
- The planning drawings include a basement floor plan that was not on the original plans. It is missing a door and window which would be a breach of the original planning where all external joinery shall be retained.
- The floor plans fail to recognise the property division whereby the front and rear sections at basement level are registered to differing Land Registry folios.

- The ground floor plan shows a window being closed up which is a breach of the original permission but the change is not shown on the side elevation.
- Planners did not inspect the building to see what works have been carried out and have been misinformed or missed vital points.
- Only replacing the front windows still leaves the building with replacement PVC windows which are not in accordance with the permission and detract from the character and appearance of this historic warehouse.
- Retention should have been refused and all windows should be replaced with the correct “historically informed wood sash windows to match the former windows like for like”.

## 7.2. Applicant Response

7.2.1. A response has been received on behalf of the applicants which is summarised as follows:

- Item 1 – Planners Report & Recommendation: The Planning Authority would be required to inspect the property to assess the application. The applicant is aware that the Enforcement Team has visited the site on at least 2 occasions. It is the appellants opinion that all uPVC windows should be replaced however it is considered that the Planning Officer and Conservation Officer are better qualified to make this decision.
- Item 2 – Additional Windows: The applicant has not installed additional windows. The appellant is confusing additional windows with replacement window installations. The applicant is not opposed to obscuring glazing however this was not deemed necessary by the Planning Authority.
- Item 3 – Side Windows: It is not agreed that windows on the side of the building can be viewed from public areas.
- Item 4 – Timeframe: A reasonable timeframe for the replacement of the windows will be conditioned by the Planning Authority as part of the planning process.
- Item 5 – Plans submitted: The front elevation drawing incorrectly refers to a single glazed timber window on ground floor which is uPVC. However, this is now irrelevant as the window will be replaced in accordance with Condition No. 2 of the Planning Authority’s decision.

- Item 6 – Elevations: The uPVC windows installed on the side elevations are a sliding sash style and are in keeping with the character of the building. The planning drawings do incorrectly show the north elevation as render. There are no changes to this elevation and new drawings are enclosed with appeal.
- Item 7 – Basement Floor Plan: A revised floor plan is enclosed showing the location of the existing external door as highlighted by the appellant.
- Item 8 – Division of Property: This is not pertinent to the subject development. A letter is included from previous owner confirming the entire basement is in the ownership of the applicant. A solicitor's letter is included confirmed an agreement to sign a boundary rectification document.
- Item 9 – Ground Floor Plan: The window shown as being infilled on the floor plan drawing has not been infilled and remains. A revised drawing is submitted with the appeal response.
- Summary: The existing timber windows to the front elevation of the building were in poor condition and the applicant needed to make the building watertight to allow refurbishment. uPVC windows were installed as they were readily available. The cost of replacing the windows to the front elevation will be significant but it is considered to be a fair compromise and is happy to commit to same to protect the architectural heritage of the area. The windows to the side of the property can only be viewed from the rear private areas and do not contribute in any significant manner to the visual architectural heritage of the town and reinforced by the Case Officer and Conservation Officer.

### 7.3. Planning Authority Response

- 7.3.1. A response has been received from the Planning Authority which notes the contents of the Third Party Appeal and states that the matters raised by the appellants have been previously addressed in the planning report. The Planning Authority request that their decision be upheld and have no further comment.

### 7.4. Observations

- None.

## 8.0 **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. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Built Heritage
- Procedural Considerations
- Other Matters
- Appropriate Assessment (Screening)

### 8.1. **Built Heritage**

8.1.1. In essence, the grounds of appeal primarily relate to the removal of the windows on the subject building and their replacement with new uPVC windows. The appellant contends that retention should have been refused by the Planning Authority on the basis that the new replacement windows are not in accordance with the parent permission and would detract from the character and appearance of the building. It is further stated that all of the windows should be treated equally on the building and replaced with correct historically informed wood sash windows to match the former windows rather than the front façade only. Concern is also raised as to the adequacy of Condition No. 2 of the decision as no timeframe or process for replacing the windows has been provided and it is unclear as to how the replacement windows would be checked.

8.1.2. By way of background, I have briefly outlined the planning history for the subject site in Section 4.0 of this report. From my review, I note permission was initially granted under Reg. Ref. 2151803 for the change of use of the warehouse building to a multi-use cultural exhibition space on ground floor level and first floor level and a ground floor single storey rear extension accommodating store and toilet and the provision of an artist's residence on the second floor level. In the assessment of this application, the Conservation Officer's report acknowledged the building's listing on the National Inventory of Architectural Heritage (NIAH), its regional rating and its social special

interest. The report also stated that one of the most important survivals in this building is the timber sliding sash windows and fixed pane-pane timber window at ground floor level. The report continued to state that because of the importance of the building, conditions are recommended to retain of all external traditional joinery. I note that the Conservation Officer's comments were reflected in the Planning Authority's decision to grant permission for the parent permission with Condition No. 2(a) stating that "all external traditional joinery shall be retained including timber sash windows, doors (both to rear and side) and fixed pane timber window (ground floor on front elevation)".

8.1.3. The subject development before the Commission seeks to retain new uPVC replacement windows in lieu of Condition No. 2 of the above-mentioned permission. It is evident from review of the appeal file, my site inspection and the principle of the application itself that the pre-existing windows throughout the building have removed on foot of on-going development works. The Planning Authority's assessment of the current application had regard to the referral response received from the Conservation Officer who noted that the original windows contributed to the visual appeal and integrity of the building which is why Condition No. 2 was applied to the grant of Reg. Ref. 2151803. According to the Conservation Officer's report, the replacement uPVC windows to be retained are not in accordance with the parent permission and would detract from the character and appearance of the historic warehouse building. The Conservation Officer recommended that the uPVC windows be replaced on the front elevation by historically informed wood sash windows to match the former windows. I am of the view that the Conservation Officer's report informed the decision to approve retention for the subject development and Condition No. 2 of the Planning Authority's decision to grant retention states that the 'applicant shall replace the PVC windows on the front elevation and install historically informed wood sash windows to match the former windows like for like'.

8.1.4. In considering the subject development, I note that the subject building is not listed on Donegal County Council's Record of Protected Structures and the subject site is not located within an Area of Architectural Conservation (ACA). However, the subject building is listed on the National Inventory of Architectural Heritage (NIAH) and the full Description and Appraisal of the building is contained in section 5.2.6 of this report. In noting same, I draw the attention of the Commission to the following statement in the appraisal which specifically states that the building's *'visual appeal and integrity are*

*enhanced by the retention of salient fabric such as the timber sliding sash windows and the fixed-pane timber window at ground floor level'.*

- 8.1.5. With respect to new uPVC windows to be retained, I have significant concerns having regard to the policy provisions of the County Donegal Development Plan 2024-2030 in respect of Architectural Heritage and the guidance pertained in the Architectural Heritage Protection - Guidelines for Planning Authorities (2011) regarding development control with respect to retention permission, conservation principles in terms of repairing rather than replacing and consideration in terms of windows.
- 8.1.6. In terms of the Architectural Heritage Protection - Guidelines for Planning Authorities (2011), I note that comprehensive guidance for the protection of architectural heritage is provided. Commentary relating to 'Retention Permission' as set out in Chapter 6: 'Development Control', indicates that where some protected structures have been altered in an unauthorised or unsatisfactory way that it would be both desirable and possible to restore structures to their original character. The guidance continues to state that where an application for retention of unauthorised works is lodged, the planning authority, if considering granting permission, should seek to ensure that the works for which retention permission is granted have the minimum possible impact on the character of the structure. It is further stated in the guidelines that in cases where inappropriate works have been carried out, and where it is the Planning Authority's opinion that it is possible to restore the buildings character by the carrying out of works, the authority could also consider refusing permission and using the enforcement provisions to require removal of the unauthorised works. Whilst I note that the above guidance in this context refers to protected structures, I am of the view that the listing of the subject building on the NIAH is relevant as the building is of merit given its special characteristics and features from an architectural heritage perspective.
- 8.1.7. I note that Chapter 7 relates to 'Conservation Principles' and highlights the unique resource of historic structures which cannot be replaced once lost or that if special qualities are degraded, these can rarely be recaptured. Furthermore, it is stated 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. Section 7.9 of the guidelines refers to 'Repairing Rather the Replacing' and outlines that the aim of good conservation practice should be to preserve the authentic fabric which contributes to the special interest of the structure. I consider this guidance to be



of particular relevance given my previous reference to the visual appeal and integrity of the building on account of its windows in the NIAH's appraisal. I acknowledge that the appraisal would appear to be focused on the principal front elevation, however, in considering any development to a building of architectural significance, I am of the view that such an assessment of any development is not solely restricted to a building façade but extends to the entirety of the structure. Therefore, while I would accept that the side and rear elevations are not principally visible from the principal public areas of the Main Street in Glenties, I am nevertheless of the view that the removal of the pre-existing windows throughout the building has resulted in a loss of original fabric and the replacement of these windows with uPVC windows had an adverse negative impact on its overall architectural character and heritage significance. To this end, I do consider that there was merit in the Planning Authority's recommendation requiring that only the new uPVC windows on the front elevation be replaced and not the entirety of the building.

- 8.1.8. The guidelines also state that where a damaged or deteriorated feature could reasonably be repaired, its replacement should not be permitted and that the unnecessary replacement of historic fabric, no matter how carefully the work is carried out, will have an adverse effect on the character of a building and would seriously diminish its authenticity and significantly reduce the buildings value as a source of historical information. Moreover, it is stated that the replacement of original/earlier elements with modern replicas only serves to falsify the historical evidence of a building. Specific guidance with respect to windows is also contained in Chapter 10 - Openings: Doors and Windows' with section 10.4 stating that window design and materials make a significant contribution to the appearance and special character of a structure. Section 10.4.4 of the guidelines also refers directly to sash windows and informs that quality of the original materials and craftsmanship mean that windows are usually capable of repair and therefore should be encouraged. In the consideration of proposals affecting windows, I note the guidelines state that the replacement of sashes or entire windows should only be permitted where the existing windows are missing; are verifiably decayed beyond repair; or are themselves inappropriate recent replacements. The guidelines continue to state that any replacement windows should be of appropriate material, design and detail. To add, the guidelines also inform that complete replacement of such elements in historic buildings should rarely be permitted

where they are capable of repair and that plastic or aluminium are inappropriate materials for replacement windows in historic buildings (unless these materials can be proved to have been used originally).

8.1.9. Having regard to the guidance provided with respect to windows and materials, I consider that the Planning Authority sought to safeguard the pre-existing windows under the parent permission by conditioning the retention of the original windows. However, the applicant, by not complying with this condition of planning and removing/replacing these windows, has resulted in these special historical features which contributed to the character of this building being permanently lost. The applicant's appeal response claims that the existing timber windows to the front elevation of the building were in poor condition and that the building needed to be made watertight to allow for refurbishment works. It is further stated that the uPVC windows were installed as they were readily available. On this matter, I consider the guidelines to be very clear in that where elements or features of a building could be reasonably repaired that their replacement should not be permitted and that good conservation practice should be to preserve rather than replace. The applicant has provided no evidence, at either application stage or appeal stage to corroborate the condition of the windows which have been removed or detailed that these windows could not have been repaired. In this regard, I am not satisfied that the applicant has not appropriately justified the removal of these noteworthy windows. Moreover, I do not accept the rationale for replacing the windows so as to keep the building watertight for refurbishment works. I consider that best practice construction methodology could have been reasonably employed to protect the building during redevelopment works. I also consider that the use of uPVC in the windows is not in accordance with the provisions of the guidelines which explicitly states that plastic is an inappropriate material for replacement windows in historic buildings. As a further point, I also acknowledge the matter raised by the appellant that some windows had differing styles in terms of glazing and panes, as evidenced by photos, and so the replacement of these windows is not consistent with the pre-existing windows that were previously in situ. Therefore, it is my opinion that the use of such materials in terms of the frames and glazing would be at odds with national guidance in relation to architectural heritage and would unacceptably change the character of the subject building.

8.1.10. In relation to the policy context of the of Development Plan, I note that Objective AH-O-1 seeks to conserve, manage, protect and enhance the architectural heritage of Donegal and makes specific reference to NIAH structures whilst Objective AH-O-2 seeks to promote the sustainable and sensitive re-use of the existing built heritage and promote adaptation through proper maintenance, repair and appropriate retrofitting, adaptative re-use and regeneration employing best conservation practices. Additionally, Policy AH-P-1 seeks to ensure best conservation practice through the application of the Guiding Principles of Architectural Conservation, where appropriate, in relation to NIAH structures and that the use of specialist conservation professionals, conservation plans and crafts persons shall be encouraged. Policy AH-P-7 also seeks to protect NIAH structures by requiring that development of structures on the NIAH including the curtilage, attendant grounds and setting of the structure are appropriate in terms of architectural treatment, character, scale, and form, and is not detrimental to the special character and integrity of the structure and its setting. Furthermore, Policy AH-P-8 seeks to ensure high quality architectural design of all new development relating to or which may impact on NIAH structures (and their setting).

8.1.11. In considering the above and noting the reasons outline in the previous section relating to the Architectural Heritage Protection - Guidelines for Planning Authorities (2011) of this assessment, I am not satisfied that the retention of the replacement uPVC windows throughout the subject building have been sensitively considered in line with the Objectives and Policies of the Development Plan insofar as they relate to the conserving and protecting the architectural heritage of NIAH structures; the promotion of sensitive adaption through best conservation practices in line with the Guiding Principles of Architectural Conservation; or, that this NIAH structure has been protected in terms of architectural treatments which would not be detrimental to the special character or integrity of the structure and its setting.

#### Concluding Remarks on Built Heritage

8.1.12. Having regard to the above, I consider that the windows to be retained are unsympathetic to the original fenestration and would have a negative effect on the subject building, its character, context, and overall setting. It is also my opinion that development to be retained would be at variance with the provisions of the Donegal County Development Plan 2023-2029, particularly Objective AH-O-1 and Objective AH-O-2; and, Policy AH-P-1, Policy AH-P-7 and AH-P-8 insofar they respectively

relate to architectural heritage and NIAH structures. Moreover, I am not satisfied that the development would be fully consistent with the guidance for sympathetic interventions, repairing features over replacement, and the use of materials as set out in the Architectural Heritage Protection - Guidelines for Planning Authorities (2011). Therefore, I recommend that retention be refused.

## **8.2. Procedural Considerations**

8.2.1. From a procedural perspective, I do not consider that the Planning Authority's decision to grant retention for replacement windows but to condition that some of those replacement windows be changed is appropriate. In my opinion, it is evident from review of the Conservation Officer's report that the replacement uPVC windows for which retention is sought was not deemed to be in accordance with the parent permission and would detract from the character and appearance of the subject building. To this end, it was recommended by the Conservation Officer that the uPVC windows on the front elevation be replaced by historically informed wood sash windows to match the former windows. With this in mind, I am of the view that without Condition No. 2 the subject development would have to be refused as it would otherwise have been considered contrary to proper planning and sustainable development. Therefore, I consider that the effect of granting retention of new replacement uPVC windows and then recommending that such very windows be subsequently replaced by way condition, as indicated by the Planning Authority, would effectively render the application for retention in the first instance a nullity. On this basis, I recommend that retention be refused outright.

8.2.2. In addition, I am of the view that the development to be retained would, by reason of the removal of the former windows and replacing them with new uPVC windows, contravene Condition No. 2(a) of the parent permission Reg. Ref. 21/51803 which required that all external traditional joinery inclusive of timber sash windows and a fixed pane timber window on the ground floor level of the front elevation be retained. I am nevertheless of the view that the removal of the pre-existing windows throughout the building and the replacement of these windows has resulted in a loss of original fabric to this building of heritage significance which in my view is unacceptable.

8.2.3. As a further point, I am not satisfied that Condition No. 2 of the Planning Authority's decision, in any event, is either effective or enforceable. Section 7.3 of the

Development Management Guidelines sets out the basic criteria for conditions which include whether conditions are necessary; relevant to planning, relevant to the development to be permitted; enforceable; precise; and, reasonable. With this in mind, Section 7.3.3 of the Guidelines indicates that a condition should not be imposed if it cannot be made effective and that in order to facilitate enforcement, conditions should be framed, where possible, so as to require some specific act to be done at or before a specified time. I am of the view that the wording of Condition No. 2 is not enforceable as while it does require that the applicant shall replace the uPVC windows with historically informed wood sash windows to match the former windows, it has not detailed a specified timeframe for these windows to be replaced. In this regard, I am of the view that this particular condition, as worded by the Planning Authority, is not capable of being complied with.

### **8.3. Other Matters**

8.3.1. Having regard to the grounds of appeal, I shall consider the following items under the sub-headings below:

#### *Ownership*

8.3.2. The grounds of appeal claim that the floor plans fail to recognise the division of property at basement level and that the front section and rear section fall under two separate Land Registry folios. The applicant's response to the appeal states that this matter is not pertinent to the subject development but in any event has submitted a letter purported to be from the previous owner which outlines that the entire basement level is in the ownership of the applicant.

8.3.3. In consideration of this matter, I note that the application before the Commission relates to the retention of the replacement uPVC windows on the building. Moreover, I further note that issues to do with title are not matters which can be adjudicated by the Commission.

#### *Accuracy of Planning Drawings*

8.3.4. The grounds raised by the appellant inform that the submitted planning drawings are not consistent with the original application and contain a number of errors in terms of omissions and elevations and annotations. The assessment of the Planning Authority did not reference any drawing errors/discrepancies in their report. In response to the

appeal, the applicant has acknowledged that the drawings contain errors and submitted amended drawings for consideration by the Commission.

- 8.3.5. Having reviewed the appeal file and conducted an inspection of the site, I note that there are some discrepancies on the planning drawings submitted at planning application stage. Again, I would note that the application before the Commission relates to the retention of the replacement uPVC windows on the building and that no other works are proposed as part of the development. I am satisfied that the applicant has submitted revised planning drawings which rectify any errors/misleading annotations and sufficiently detail the as-built elevations building. As a further point of clarity, I acknowledge that there have been no additional works to the subject building in terms of the creation of new window opes.

## **9.0 Appropriate Assessment (Screening)**

- 9.1. Having regard to the nature and scale of the subject development, the location of the site within a 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 subject development, alone or in combination effects, can be reasonably excluded.

## **10.0 Water Framework Directive**

- 10.1. The appeal site is located on the Main Street in urban heart of Glenties and is an established building dating from the late nineteenth century. There is a watercourse, the Stracashel, which flows in close proximity to the rear of the site. This watercourse are is indicated as being "At Risk". The groundwater body is listed as the Northwest Doneal which is indicated as "Not at Risk". The subject development relates to the retention of replacement uPVC sash windows. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. 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:

- The nature and scale of the works to be retained;

10.3. I conclude that on the basis of objective information, that the subject 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.

## **11.0 Recommendation**

11.1. I recommend that retention be REFUSED for the following reasons and considerations set out below.

## **12.0 Reasons and Considerations**

1. The subject development seeks the retention of uPVC sash windows in lieu of Condition no. 2 (a) of previously granted planning permission (register reference number 21/51803). The windows to be retained are considered to be unsympathetic interventions by reason of their style and materials to the original fenestration features and would have a negative effect on the subject building, its character, context, and overall setting which would materially affect the character of the building which is listed on the National Inventory of Architectural Heritage (NIAH). For the same reasons, the replacement windows to be retained would not be in accordance with guidance pertained in the Architectural Heritage Protection - Guidelines for Planning Authorities (2011). It is further considered that the replacement windows to be retained would be at variance with the provisions of the County Donegal Development Plan 2024-2030, namely Objective AH-O-1 and Objective AH-O-2; and, Policy AH-P-1, Policy AH-P-7 and AH-P-8 insofar as they relate to protection and appropriate development architectural heritage in the County and structures listed on the National Inventory of Architectural Heritage respectively. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the planning application and recommendation of the Planning Authority, it is not considered possible for the Commission to control this development whereby unacceptable replacement uPVC windows could be granted retention but then simultaneously be required to be replaced with historically informed windows to match the former windows by way condition. Consequently, the Commission must refuse retention permission.
3. The development to be retained would, by reason of the replacement of the former windows, contravene a condition attached to an existing permission for development namely, Condition No. 2(a) attached to the parent permission granted by Donegal County Council on the 31<sup>st</sup> of March 2022 under planning register reference number 21/51803. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of retention for the subject development in such circumstances.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Matthew O'Connor  
Planning Inspector

15<sup>th</sup> January 2026



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323547-25
<b>Proposed Development Summary</b>	Retention: Replacement upvc sash windows in lieu of condition 2 of planning ref 21/51803.
<b>Development Address</b>	Drumnasillagh, Glenties, Letterkenny Po, Co. Donegal
	<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 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>	
<input checked="" 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 checked="" 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>	
<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>	

<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>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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