An Coimisiún Pleanála

Inspector's Report
PL-501621-KE-26

Development	Retention and completion of works to cottages and all related site works.
Location	Fairview Cottages, Shraud Street, Kildare, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2660380
Applicant(s)	Invest Trust 003191
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Planning Appeal
Appellant(s)	Invest Trust 003191
Observer(s)	None
Date of Site Inspection	02/09/26
Inspector	Donal Farrelly

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1.0 Site Location and Description

1.1. The appeal site is located at no's. 1-18 Fairview Cottages, Shraud Street, Kildare, Co. Kildare. The appeal site is located adjacent to No.19 Fairview Cottages which is identified as a Protected Structure (RPS B22-21) within the Kildare County Development Plan 2023-2029 (Development Plan) which also references National Inventory of Architectural Heritage (NIAH) reference no. 11817089. However, this structure is not within the NIAH database. No. 19 is located outside the appeal site boundary. No's 2-8 and 10-13 Fairview Cottages are listed on the NIAH database with a regional rating but are not listed as protected structures in the Development Plan.

1.2. The appeal site is approximately 350m southwest of the train station and approximately 340m northwest of Kildare Town Centre. Surrounding land uses are predominately residential. The site is located approximately 235m northeast of St. Brigid's Cathedral and Kildare Round Tower. Round Towers GAA club is located to the northwest.

1.3. No's 1-13 Fairview Cottages front Shraud Street and no's. 15-18 front Fairview Lane. These dwellings were previously in a derelict condition but have now been fully restored to be used as residential units. A private laneway separates no's 1-13 and 15-18.

2.0 Proposed Development

2.1. The retention permission is regarding works completed to windows, doors, rainwater goods and chimney finishes.

2.2. Condition no. 3 (a-e) of planning reference number **25/60934** requires the following.

- That uPVC windows on the front facades be removed and replaced with hardwood sliding 2/2 sash windows.
- The uPVC circular windows on the front façade shall be removed and replaced with hardwood timber.
- The uPVC front doors be replaced with hardwood timber doors.

- All uPVC rainwater goods on the front façade be replaced with cast iron rainwater goods.
- The reconstituted stone used on all chimneys shall be removed and replaced with reclaimed yellow and red brick.

2.3. The appellant seeks permission to retain the uPVC and chimney finishes in place of the hardwood, cast iron, and reclaimed brick requirements of Condition 3 of **25/60934**.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was refused by Decision Order dated 03/06/2026 for the following reason.

3.1.2. No's 2 to 8 and 10 to 13 Fairview Cottages (c.1895) are included in the National Inventory of Architectural Heritage (NIAH) for being of Regional Importance and of special architectural, historical and social interest. It is the policy of Kildare County Council, as expressed in AH P6 and AH P9 of the Kildare County Development Plan 2023-2029, to inter alia protect, conserve and manage the architectural heritage of the county, to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations, and to promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county. The proposed retention of alterations to the cottages, including replacement windows, doors, rainwater goods, chimney stack and associated detailing, with inappropriate, poor-quality materials and detailing, fails to respect the historic fabric, form, and character of the buildings, resulting in a significant adverse impact on the special architectural character of this terrace of dwellings, as described in the NIAH. Accordingly, the proposed development would materially contravene **Policy AH P6 and AH P9 and Objectives AH O34, AH O37, AH O39, AH O41, AH O53, AH 059 and AH O61** of the Kildare County Development Plan 2023–2029, would set an undesirable precedent for other developments and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of Planner dated 29/05/2026 recommends a refusal of permission. This refusal was based on the impact on the special architectural character of the terrace of dwellings.

3.2.2. Other Technical Reports

- Environment Section-No objection subject to compliance with the previous conditions granted under planning reference no. 25/60934.
- Heritage and Nature. Refusal recommended for the materials and chimney detail due to the adverse impact on the setting of a Protected Structure and terrace of heritage significance, and the absence of an Architectural Heritage Impact Assessment undermines the proposal.
- Water Services. No objection subject to the previous conditions granted under planning reference no. 25/60934.
- Transportation. No response received.
- Area Engineer. No response received.

3.3. Prescribed Bodies

Uisce Eireann. No response received.

3.4. Third Party Observations

None

4.0 Planning History

I consider the following planning history to be relevant regarding the appeal site. I also note the applicant Invest Trust has other current planning applications adjacent to the appeal site with the Planning Authority for determination including for no. 19.

Appeal site

Planning reference no. **2560934**. Retention Planning Permission for Cottages Nos. 02 through 11. This includes (a) the removal of vandalised fire damaged substandard party walls (only constructed to ceiling level & not fully to underside of roof level), reinstated with new party walls constructed to current TGD PART B (Fire Safety) of the Building Regulations, (b) removal of vandalised fire damaged substandard structurally unsafe chimneys and reconstructed using the existing brick to affirm the continuation of the existing Vernacular street scape and (c) the removal of existing derelict vandalised fire-damaged extensions and their replacement with single-storey rear extensions aimed at enhancing the living space and overall aesthetic of each cottage while achieving an A-rated energy rating. Specific details include: Cottage No. 02: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 03: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 04: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 05: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 06: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 07: total area of 68sqm existing, with a replacement extension area of 35sqm; Cottage No. 08: total area of 62sqm existing, with a replacement extension area of 30sqm; Cottage No. 09: total area of 58sqm existing, with a replacement extension area of 28sqm; Cottage No. 10: total area of 68sqm existing, with a replacement extension area of 28sqm; Cottage No. 11: total area of 62sqm existing, with a replacement extension area of 28sqm; 2. Retention Planning Permission is also sought for Cottages Nos. 12, 13 & 15 to 18 and Planning Permission for their completion. This includes (a) the removal of vandalised fire damaged substandard party walls (only constructed to ceiling level & not fully to underside of roof level), reinstated with new party walls constructed to current TGD PART B (Fire Safety) of the Building Regulations, (b) removal of vandalised fire damaged substandard structurally unsafe chimneys and reconstructed using the existing brick to affirm the continuation of the existing Vernacular street scape and (c) the removal of existing derelict vandalised fire-damaged extensions and their replacement with single-storey rear extensions aimed at enhancing the living space and over aesthetic of each cottage while achieving an A-rated energy rating. Specific details include: Cottage No 12: total area of 66sqm existing, with a replacement replaced extension area of 24sqm; Cottage No. 13: total

area of 68sqm existing, with a replacement extension area of 25sqm; Cottage No. 15: total area of 45sqm existing, with a replacement replaced extension area of 14sqm; Cottage No. 16: total area of 52sqm existing, with a replacement extension area of 24sqm; Cottage No. 17: total area of 52sqm existing, with a replacement extension area of 24sqm; Cottage No 18: total area of 75sqm existing, with a replacement extension area of 38sqm; 3. The application will also include the construction of associated rear garden walls, a pedestrian walkway, also utilising existing foul sewer connections and existing water connections, and all related site works. 4. This proposed development is strategically situated, terrace connected to a derelict protected structure listed under the Protected Structure Record Number B22-21, specifically No. 19 Fairview Cottages, which is recognised within County Kildare's record of protected structures.

Permission granted on 12/12/25. (applicant-Invest Trust)

Condition 3.

Within 6 months of the date of final grant of planning permission, the following materials and fixtures of cottages numbers 2, 3, 4, 5, 6, 7, 8,10, 11,12,13,15 and 18 and shall be replaced. Full details of (i-iv) including brochure samples shall be submitted for the written agreement of the Planning Authority prior to commencement of any development on site.

(a) All uPVC windows on the front facades shall be removed and replaced with hardwood timber sliding 2/2 sash windows in keeping with the original window design and materials.

(b) b) All uPVC oculus (circular) windows on the front facades shall be removed and replaced with hardwood timber windows in keeping with the original design and materials.

(c) All uPVC Front doors shall be removed and replaced with hardwood timber doors in keeping with the original design and materials.

(d) All uPVC rainwater goods along the front facades shall be removed and replaced with cast iron rainwater goods in keeping with the original design and materials.

(e) The reconstituted stone used on all chimneys shall be removed and replaced with appropriately sourced reclaimed yellow and redbrick in keeping with the original design and materials. Reason: In the interest of visual amenity, preservation of the architectural heritage of Fairview Cottages and best conservation practices.

Planning reference no. **171489**. development which will consist of the following works to Protected Structures Fairview Cottages B22-21: (1) Renovation and extension of existing protected cottages No. 2-12 of Fairview Cottages facing onto Shraud Street including sympathetic conservation of external elevations, removal of flat roof sub-standard extensions and replacement with new single storey extensions to rear of existing cottages and all associated site works. (2) Demolition of 5 No. sub-standard cottages, cottages number 15-19 on south boundary. (3) Construction of 2 No. residential blocks consisting of a total of 11 No. duplex townhouses and 5 apartments over Block 1. (4) Associated siteworks including new vehicular entrance to site, new pedestrian entrance to site, construction of pathway/grass tree lined verge to south boundary of site. (5) Resurfacing and widening of south boundary laneway, and (6) All associated siteworks relevant to the proposed development, development site, including all associated car parking and infrastructural services. Revised by significant further information consisting of; removal of new residential units to rear of site from overall scheme

Permission granted on 19/02/19. *(Applicant-Thomas Waters).* I note that no's. 2-12 are not protected structures as per the development description.

No 19 Fairview Cottages (protected structure)

Planning reference no. **2660488.** works to a Protected Structure, comprising the installation of new timber sash windows and doors to match the period character of the building; lime-rendered and pebble-dashed façade; construction of a new cut roof with reclaimed natural slate to match existing; painted timber fascia and soffit; half-round cast iron gutters and downpipes; renovation and refurbishment of the existing structure; and all associated works. The works will be carried out using traditional materials and detailing appropriate to the character of the Protected Structure and in compliance with current Building Regulations. This application follows a determination under Section 57 of the Planning and Development Act 2000 (as

amended), which concluded that the proposed works would materially affect the character of the Protected Structure and therefore require planning permission. The dwelling is included on the Record of Protected Structures (RPS) for County Kildare under RPS Ref. No. B22-21 (No. 19 Fairview Cottages, Kildare, Co. Kildare).

Further information requested on 26/06/26 regarding layout and conservation. (*Applicant-Invest Trust)*

Planning reference no. **ACP-323514-25/57043**. Review of Section 57 Declaration works affecting protected structure at 19 Fairview Cottages, Kildare Town, Co. Kildare. (*applicant- Branach Developments Limited*)

Decision-Planning permission required.

Site to the rear

Planning reference no. **19608**. (1) To demolish 3 No. derelict cottages including Protected Structure No. 19 Fairview Cottages B22-21; (2) Construction of 7 No. part storey and a half, part single storey dwellings to rear of existing Fairview Cottages. Dwellings to comprise 6 No. 3 bedroom units and 1 No. 2 bedroom unit; (3) Associated siteworks including new pedestrian entrances to each individual site, construction of pathway/grass tree lined verge to south boundary of site; (5) Resurfacing and widening of south boundary laneway, and (6) All associated siteworks relevant to the proposed development site, including all associated infrastructural services. Revised by significant further information consisting of; Revised site layout to include the re-use/redevelopment of all existing derelict cottages rather than demolition of same. Revision to proposed new dwellings to include dual aspect frontages and all associated site work.

Permission granted on 06/07/20. *(Applicant- Thomas Waters)*

Site on Chapel Lane adjacent and to the rear of the appeal site

Planning reference no. **2660338**. to construct 2 Blocks of 2 no. 2 bed semi-detached dormer type dwellings (to total 4 no. dwellings) with connection to foul sewer and all associated works.

Further information requested on 22/05/26 regarding layout, surface water, design and conservation, and landscaping. *(Applicant-Invest Trust)*

Planning reference no. **2561198**. Permission to construct 2 Blocks of 2 no. 2 bed semi-detached dormer type dwellings (to total 4 no. dwellings) with connection to foul sewer and all associated works. Application refused on 11/12/25 regarding impact on protected structure and poor quality design, and surface water. *(Applicant-Invest Trust)*

Site adjacent to the northwest and rear of the appeal site

Planning reference no. **21679**. Alterations/revisions to site boundaries previously granted under planning ref. no. 17/1489, 19/608 and 20/1431. 2. Remove permission to relocate existing entrance previously granted under planning ref. no. 20/1431. 3. Revisions to dwelling no.1 previously granted under planning ref. no. 19/608, alterations include revisions to elevations and reduced floor area to accommodate Item 1 above. 4. And all associated site work.

Permission granted on 02/09/21. *(Applicant- Thomas Waters)*

Planning reference no. **201431**. Relocation of existing vehicular entrance to Fairview House to accommodate new development granted under planning ref. no. 19/608. 2. Change of design to existing cottages on Shraud Street previously granted under planning re. no. 17/1498, Alterations to previous design include; (a) Increase number of bedrooms from 1 to 2 in Cottages No. 2,3 and 7 and (B) Increase number of bedrooms from 2. to 3 in Cottages No. 12 and 13. 3. All associated site works relevant to the proposed development.

Permission granted on 11/03/21. *(Applicant- Thomas Waters)*

5.0 Policy Context

5.1 Development Plan

Kildare County Development Plan 2023-2029. The polices in bold below are those which are deemed to be material contraventions by the Planning Authority.

Chapter 3 Housing

Policy HO P5. Promote residential densities appropriate to its location and surrounding context.

Policy HO P6. Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Objective HO O6. Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

Objective HO O8. Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

Chapter 11 Built and Cultural Heritage

Policy AH P6. Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.

Policy AH P9. Promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county.

Objective AH 034. Encourage high quality design in relation to planning applications that are made for the construction of extensions or new buildings affecting protected structures or older buildings of architectural merit not included in the RPS. The Council will have regard for the visual impacts on the setting and character of protected structures and/or buildings of architectural merit not included on the RPS, when considering applications on neighbouring sites.

Objective AH O37. Promote the use of energy upgrade materials and technologies that follow good conservation practice and are compatible with the character and vapour permeable construction of traditionally built structures.

Objective AH O39. Promote the maintenance and appropriate re-use of buildings of architectural, cultural, historic and aesthetic merit which make a positive contribution to the character, appearance and quality of the streetscape or landscape and the sustainable development of the county. Any works associated with the re-use of such buildings should be carried out in accordance with best conservation practice.

Objective AH O41. Promote the retention of original or early building fabric including timber sash windows, stonework, brickwork, joinery, render and slate. Likewise, the Council will encourage the re-instatement of historically correct traditional features.

Objective AH O53. Ensure that an assessment of the existing buildings on site is undertaken through an analysis of historic maps and an appraisal of the historic fabric and features. Development proposals should retain and incorporate existing buildings of merit and any elements that contribute to their distinctive character.

Objective AH O59. Respect the setting, form, scale and materials of existing vernacular structures and to only permit changes to these structures where they are sympathetic to their special features and character.

Objective AH O61. Require the use of appropriate materials and methods when undertaking repairs to the historic fabric.

Objective AH O62. Protect (through the use of ACAs, the RPS and in the normal course of development management) vernacular buildings where they contribute to the character of areas and/or where they are rare examples of a structure type.

Appendix 6 Record of Protected Structures

RPS B22-21 No. 19 Fairview Cottages. NIAH reference no. 11817089. There is no record of this structure on the NIAH database.

Kildare Town Local Area Plan 2023-2029 (Local Plan)

Chapter 8 Built Heritage and Archaeology

Objective BHO 1.1. Protect the architectural heritage of Kildare Town by ensuring the protection and conservation of all protected structures and structures of historic significance (or parts of structures), including the curtilage and attendant grounds of

structures detailed in Table 8-1 and Map 8.1 and Map 8.2 or any additional structure placed on the Record of Protected Structures.

Table 8.1 Protected Structure. B22-21 No. 19 Fairview Cottages

Objective BHO 4.1. Protect and promote the archaeological heritage of Kildare Town in particular those sites illustrated on Map 8.1 and Map 8.2 and referred to under Table 8-5 and avoid negative impacts on sites, monuments, features or objects of significant historical or archaeological interest by ensuring archaeological assessments are undertaken to inform proposed development in accordance with the National Monuments Acts 1930-2004.

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision)

National Policy Objective 90. Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

5.3 National Guidance

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. 2024

Architectural Heritage Protection Guidelines for Planning Authorities 2011. (I note that the appeal site does not contain any protected structures as per the County Development Plan but is adjacent to the protected structure of no. 19.)

S2.5.18 ‘A structure may display vernacular traditions of construction and may be set in a group or area which illustrates the social organisation of the inhabitants. Most obviously this would include thatched cottages. In vernacular buildings, elements of the plan-form (for example, direct-entry, lobby entry, doors opposite one another, bed outshots etc), as well as the roofing material of otherwise ordinary structures may be distinctive and have special social interest.’

National Inventory of Architectural Heritage

No's 2-8 and 10-13 Fairview Cottages are listed on the NIAH database. The appraisal for each unit varies slightly but the content is generally the same for all said units, with the appraisal for unit no. 2 outlined below.

Appraisal

This house, built as one of a terrace of six, is an attractive small-scale range that has been well-maintained to present an early aspect. The house, together with the remainder in the terrace, is of social and historical significance, reflecting the development and expansion of Kildare town in the late nineteenth century, possibly linked to the establishment of the railway line in the north of the town. Also of interest is the yellow brick construction, attesting to the improvements made in the manufacturing industry in the nineteenth century, allowing for the mass-production of economic buildings materials – dressed with red brick detailing, the composition produces a polychromatic effect that was popular at the time of construction. The house retains many important early or original salient features and materials, including timber sash fittings, and a slate roof having cast-iron rainwater goods. The house, together with the remainder of the terrace (11817110 - 114/KD-22-17-110 - 114), forms a picturesque feature on the streetscape of Shraud Street.

Chapter 2 Record of Protected Structures

S2.4.2. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.

Chapter 6 Development Control

S6.4.14. Written Statement. A brief written statement is a useful tool as part of a planning application to help explain the rationale for the proposed development. This written statement could take the form of a cover letter.

S6.4.15. Architectural Heritage impact Assessment. For more extensive or complex works with a potential to have a major impact on the architectural heritage, a planning authority may require an applicant to submit a more detailed impact statement

S6.7.1 Making Decisions on Planning Applications. A planning authority, or An Bord Pleanála on appeal, may impose any conditions relating to the protection of a protected structure or proposed protected structure without attracting compensation.

S6.7.6 Architectural salvaging as a condition of permission. The Act provides for making a condition of planning permission, where appropriate, the salvage of elements of special interest of a protected structure, or any element of a protected structure that is about to be altered or removed.

S6.14.2 Retention Permission. Where an application for retention of unauthorised works to a protected structure is lodged, a planning authority should apply the same consideration to the works as for planning applications and should, if considering granting permission, seek to ensure that the works for which retention permission is granted have the minimum possible impact on the character of the structure.

Chapter 7 Conservation Principles

S7.6 Protecting the Special Interest. The blanket application of standard solutions to historic buildings is not appropriate, nor can old buildings be expected to perform in the same way as modern buildings in terms of structural strength, durability of materials or thermal insulation

5.4 Natural Heritage Designations

The appeal site is located approximately 4.7km southwest of the Pollardstown Fen SAC (000396).

Natural Heritage Areas

The appeal site is located approximately 1.4km southwest of Curragh (Kildare) (000392).

6.0 EIA Screening

The proposed development does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was submitted by Adrian Donoghue Design acting on behalf of the appellant and includes photographs and the decision. The issues which I consider relevant are summarised as follows.

- The sole issue relates to the retention of specific external materials.
- The Planning Authority has not balanced heritage considerations against the overall public benefit.
- The current project involved substantial restoration works to secure the survival of the cottages. The condition of the cottages before intervention must be recognised rather than material replacement on its own. This was not a simple conservation project and extensive construction works were required to secure the terrace.
- No. 13 was granted permission in 1994 (planning reference no. 93/1098) and PVC windows and doors existed at the dwelling for many years. The Planning Authority seeks to reverse a visual condition that already exists. Insufficient weight has been attached to this, and that buildings and materials evolve and change over time. [permission granted was for hardwood casement windows]
- The development does not introduce a new visual condition but continues an existing circumstance regarding the external materials.
- The effect of the refusal would impact sustainability regarding the removal and disposal of materials. This represents a disproportionate planning response and is largely aesthetic.
- Heritage policy must be applied in a balanced manner.
- No enforcement action was taken over no. 13.
- There were no third party objectors.
- The development eliminates dereliction.

7.2. **Planning Authority Response**

Letter received dated 10/07/26 which confirms the Planning Authority's decision. The Planning Authority also asks ACP to refer to the planner's report and other technical documents.

7.3. **Observations**

None

7.4. **Further Responses**

An Taisce. No response received.

Department of Housing, Local Government and Heritage. No response received.

An Chomhairle Ealaion. No response received.

Failte Ireland. No response received.

The Heritage Council. No response received.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file including the submission received in relation to the appeal and the report of the local authority. I have also inspected the site, and I have had regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development and planning history
- Heritage Impact
- Material contravention

8.2. **Principle of development and planning history**

8.3. I note that there have been a number of planning applications submitted for the appeal site and adjacent sites. A current application is currently with the Planning Authority regarding works to the protected structure at no. 19 Fairview Cottages (RPS Ref. No. B22-21). This application is submitted in response to the ACP

decision under **ACP-323514-25/57043** regarding a s57 declaration of works submission which determined planning permission is required for works to the protected structure. There is another current application planning reference no. **2660338** with the Planning Authority regarding the construction of 4 no. units outside of the appeal site boundary.

8.4. The first party appellant was granted retention permission for no's 2-13 and 15-18 under planning reference no. **25/60934** for various works associated with the cottages within the appeal site. Condition no. 3 attached to the grant of permission requires that the applicant replaces the uPVC materials and reconstituted stone for the chimneys with cast iron rainwater goods to the front, hardwood timber windows to the front, and red/yellow reclaimed brick for the chimneys.

8.5. The current submission **PL-501621/2660380** seeks retention of the uPVC materials to the front door, windows, and rainwater goods; and the finished design of the chimneys which includes red/yellow bricks.

8.6. The site is zoned B 'Existing/Infill Residential' in which residential development is permitted in principle. The proposal is for the retention of external materials and finishes to residential dwellings. I therefore consider the principle of development to be acceptable. The materials however will also be assessed below having regard to the vernacular nature of the buildings and proximity to a protected structure at no. 19 Fairview Cottage.

8.7. **Heritage Impact**

8.8. I note that the appeal dwellings no's 2-13 and 15-18 are not identified as protected structures within the Development Plan but no's 2-13 are identified within the NIAH database with a regional rating. The adjacent dwelling at no. 19 Fairview Cottages is identified as a protected structure within the Development Plan (RPS Ref. No. B22-21).

8.9. I note the reason for refusal under **2660380** in that the retention materially contravenes the following policies and objectives of the Development Plan. Policies AH P6 and AH P9; and Objectives AH O34, AH O37, AH O39, AH O41, AH O53, AH 059 and AH O61.

8.10. I note Condition 3 of the grant of permission **25/60934** which requires that uPVC be replaced with hardwood timber doors and windows on the front of the dwellings, uPVC rainwater goods are replaced with cast iron on the front of the dwelling, and the reconstituted stone for the chimney is replaced with reclaimed yellow and red brick.

8.11. I note that the appellant refers to no. 13 Fairview Cottages planning reference **93/1098**. The plans and particulars approved outline hardwood casement windows.

8.12. I acknowledge the reason for refusal and the rationale provided by the first party appellant regarding the finishes. I acknowledge that the NIAH outlines a number of special interests associated with the structures including sash windows, cast iron rainwater goods, and slate roofs. Notwithstanding this the dwellings are not identified as protected structures within the Development Plan. I do however consider the buildings to have vernacular and heritage qualities.

8.13. I consider that the refurbishment of the cottages to represent works that preserve and protect the buildings from further decay. I note the derelict condition of the buildings prior to the construction works and consider that the use of the buildings for homes represents significant revitalisation of built vernacular heritage of this row of houses. I therefore do not consider that a material contravention of the Development Plan arises with respect to Policies AH P6 and AH P9 and Objective AH 039.

8.14. I also note that no's 15 to 18 are located adjacent to no. 19 down a lane and are not visible from Shraud Street. I consider that these units do not contribute to the streetscape in the same way as unit no's 2 to 13 which front Shraud Street. I acknowledge the regional rating of unit no's. 2 to 13 as per the NIAH database, however unit no's 15 to 18 down the lane are materially different to those along Shraud Stret and they don't contribute to the streetscape. Further to this the adjacent no. 19 protected structure is in a derelict condition unlike the units associated with the appeal site which have been restored.

8.15. I note the first party submission outlines that the chimneys were structurally unsafe and that both the chimneys and party walls were rebuilt as part of the refurbishment works. I am of the opinion that the condition of the derelict buildings prior to construction limited the ability to retain all original features and that modern replacement materials were used.

8.16. I do not consider that the retention of original chimney features was feasible considering that they were structural unsafe. I observed the chimneys on my site visit and I am of the opinion that these do not detract from the vernacular qualities of the cottages. I do not consider that the use of contemporary red and yellow bricks as part of the chimney reconstruction undermines the special interests of the protected structure at no. 19 Fairview Cottage. Further to this I note that the removal of a chimney from a house is exempted development under Schedule 2 Class 2A of the Planning and Development Regulations 2001 (as amended).

8.17. I consider the use of casement windows within the original window openings to support the retention of the original building fabric and is compatible with existing buildings in the area. I am also satisfied that the use of uPVC windows and rainwater goods is appropriate and that it is a material used in surrounding dwellings. Although the use of hardwood sash windows and cast iron rainwater goods are a more desirable finish I am satisfied that the uPVC casement windows and rainwater goods is an acceptable contemporary design solution in this instance.

8.18. I consider that the refurbishment of these structures ensures their long term survival as homes, which strengthens the special interests of the protected structure at no. 19 Fairview Cottage. Further decay of the buildings if not refurbished for use as houses would result in the loss of architectural and heritage qualities which would also injure the adjacent protected structure. On balance I am satisfied that the refurbishment works satisfy the policies and objectives of the Development Plan notability Policy AH P6 and AH P9 and Objectives AH 053 and AH 059 and a material contravention of the Development Plan does not arise.

8.19. I consider the use of materials to restore the structures to be appropriate and in accordance with Objective AH O61. I therefore do not consider that a material contravention arises with respect to Objective AH O61 of the Development Plan. I do not consider the works to visually impact the protected structure at no. 19 Fairview Cottage or the appeal dwellings. I therefore do not consider that a material contravention of Objective AH 034 of the Development Plan arises.

8.20. Having regard to the above I do not consider that a material contravention of the Development Plan arises. I consider that the restoration works retain significant elements of the original features of the dwellings in accordance with Objectives AH

O41 and AH O37. This includes the use of the red and yellow brick chimneys to integrate with the original brickwork and I consider the use of uPVC to be a pragmatic approach. I therefore recommend to the Commission that retention permission be granted.

8.21. **Material contravention**

8.22. The Planning Authority has refused permission and stated that the development materially contravenes the CDP.

8.23. Further to my assessment above I do not consider the proposal to constitute a material contravention.

8.24. Notwithstanding the above, if the Commission are minded to come to a different interpretation and consider the overall development to materially contravene the CDP, I have assessed the development against the four criteria outlined under Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is the criteria that allows the Commission to grant permission in the event of a material contravention

(i) 'the proposed development is of strategic or national importance'.

I do not consider that the proposed development is of strategic or national importance.

(ii) 'there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or'.

Objective AH034 of the Development encourages high-quality design that is reflected of older buildings of architectural merit and which will not have a visual impact on protected structures. This does not clearly state that the design or materials cannot be contemporary in nature. The reason for refusal outlines concerns regarding the use of contemporary materials. This conflicts with the reason for refusal and Objective AH034 in this instance.

Policy AH P9 promotes the revitalisation of built vernacular heritage. The appeal site comprises the restoration of derelict vernacular structures to be used as homes. The works include the use of contemporary materials. The policy is not clearly stated and conflicts with the reason for refusal as it does not state that contemporary materials cannot be used in the revitalisation of the buildings.

(iii) 'permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or'.

There are no provisions of relevance. The buildings are not protected structures within the Development Plan.

(iv) 'permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

I do not consider there to be any relevant planning applications with respect to the appeal site.

8.25. It is my view that Section 37(2)(b)(ii) would allow for consideration to be given to the material contravention of the Plan, where such was considered to arise.

9.0 **AA Screening**

9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The appeal site is located at Shraud Street Fairview Cottages, Kildare, Co. Kildare approximately 4.7km southwest of the Pollardstown Fen SAC (000396).

The retention permission is regarding the modification of external materials.

No nature conservation concerns were raised in the planning appeal.

Having considered that no construction works are required, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

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

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. No water framework directive issues arise as no construction is involved.

11.0 Recommendation

11.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- The provisions of the Kildare County Development Plan 2023-2029 including regarding refurbishment of vernacular buildings, the absence of Protected Status on the buildings and the unified approach to the refurbishment which integrates successfully into the streetscape. It is considered that the development to be retained is acceptable and would not materially contravene the County Development Plan as there is no restriction on the use of contemporary materials in the architectural heritage policies.
- It is considered that use of the materials does not adversely affect the setting of the protected structure at no 19.

It is considered that the development for retention, subject to compliance with the conditions set out below, does not seriously injure the residential amenities of property in the vicinity or visual amenity of the area. Therefore, the development for retention is in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

   Reason: In the interest of traffic safety and to prevent flooding or pollution.

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.

Donal Farrelly
Planning Inspector

08/10/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501621-KE-26
Proposed Development Summary	Retention of existing windows, doors, rainwater goods and chimney finishes.
Development Address	Shraud Street Fairview Cottages, Kildare, Co. Kildare
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ 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. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR**	

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____