



An
Bord
Pleanála

Inspector's Report RL61.RL3815

Question

Whether the renovation of the front west façade is or is not development or is or is not exempted development.

Location

9-14 Long Walk, Galway.

Declaration

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

P/DC/3/16/17

Applicant for Declaration

Mr. & Mrs. John Coyle.

Planning Authority Decision

Is not exempted development.

Referral

Referred by

Mr. & Mrs. John Coyle.

Owner/ Occupier

Mr. & Mrs. John Coyle.

Observer(s)

None.

Date of Site Inspection

21st June 2018

Inspector

Patricia Calleary

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1.0 Site Location and Description

- 1.1. The referral site comprises properties no.s 9 to 14 inclusive, which form part of a terrace of properties facing onto The Long Walk and the River Corrib in The Claddagh area of Galway city. No.9 is three-storey in height and the remaining properties are two-storey. There is a gated archway located between property no.9 and no.10, which allows for access to a rear yard space and ancillary buildings. Collectively the properties span c.40m in length along the streetscape.
- 1.2. The front elevations on which the proposed works would be undertaken are southwest facing. The structures are part of a stepped terrace of properties at Long Walk which collectively result in an iconic image synonymous with Galway city. Properties No.s 9-14 are evidently constructed of stone and the front façade of each of the properties are stated to be rendered in cement-based plaster. Property No.9 has a roughcast render finish and is painted white at the ground level and first level floors and is unpainted on the second-floor level. The remainder of the properties are painted white. They each have hardwood doors and windows and slated roofs.
- 1.3. The current use of the properties is not stated but they were originally part of a terrace of houses and have retained this residential character. It would appear some if not all have remained in residential use.

2.0 The Question

- 2.1. The question that has been submitted in the referral is as follows:
 - Whether the renovation of the southwest façade is or is not development or is or is not exempted development.
- 2.2. For reasons of clarity and to capture the essence of the proposed works, I recommend that the question is reworded as follows:
 - whether the renovation of the southwest façade to include the removal of a cement based render and replacement with a lime based render, to match the existing finish at properties no.s 9 to 14 inclusive at the Long Walk, Galway is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On 17th day of August 2017, a request for a declaration on the above question was received by Galway City Council from Mr. & Mrs. John Coyle, the stated owners of the properties and the referrer in this case. The request was accompanied by a conservation report setting out a description of the works proposed, an OS Map extract, a drawing of the front elevation of the structures and a series of photographs.
- 3.1.2. On 7th day of September 2017, the Planning Authority issued their declaration under Chief Executive's Order No. P/DC/3/16/17 setting out that the proposed development would not constitute exempted development under Section 5 of the Planning and Development Act 2000, as amended (hereinafter referred to as 'the Act').

3.2. Planning Authority Reports

- 3.2.1. A summary of the contents of the Planning Officer's report is set out below.
- Proposals would include the removal of a sand and cement plaster and the replacement with a lime render finish.
 - Properties no.s 9 to 14 incorporate three protected structures at no.s 11, 12 and 13.
 - Properties no.s 9 to 14 are located in the Long Walk Architectural Conservation Area (ACA) within the current Galway City Development plan 2017-2023, which has a particularly attractive setting.
 - Notes the view of the Heritage Officer who considered that the works do not constitute exempted development.
 - Concludes that given the extent of works proposed to an expansive streetscape, in the Long Walk ACA, the proposed works would constitute works that could materially affect the character of the Long Walk ACA and the three protected structures and accordingly the works cannot be considered exempted development.

3.3. Technical Reports

- 3.3.1. A report from the **Heritage Officer** states that a planning application would be required to cover other works which would arise following the initial plaster stripping. It is submitted that the other necessary works including replacement of existing windows with sliding sash windows, repairs necessary to the rainwater goods and roof should be carried out in unison with the proposed plaster replacement works and that the collective works would enhance the important group of protected structures.
- 3.3.2. Overall it is submitted that the collective works proposed and required are diverse and too extensive to be considered exempted development and would necessitate a full planning application, recording of the works (pre, during and post recording), as well as complete supervision by a conservation architect.

4.0 Referral and Planning History

4.1. Planning History

- 4.1.1. I am not aware of any planning applications associated with the referral properties.

4.2. Referral History

- 4.2.1. Based on a review of referrals decided by An Bord Pleanála, no relevant cases with a comparable referral question were encountered.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Galway City Development Plan 2017-2023 is the statutory development plan for the area. Properties no.s 11, 12 and 13 are protected structures, recorded under Reference No.5101. The record provides that the special interest associated with these protected structures is 'architectural' and the sites feature is 'part of a streetscape'.
- 5.1.2. The six properties (9-14 inclusive) form part of The Long Walk ACA, as set out within Figure 8.4 of the City Development Plan. The description of the ACA is: 'The Long

Walk has a particularly attractive setting, with views towards the sea and the Claddagh. The area characterises a distinct urban form, which reflects Galway's historic relationship with the sea and is a landmark area for the city'.

5.2. Architectural Heritage Protection – Guidelines for Planning Authorities (DAHG 2011)

- 5.2.1. These guidelines, first published in 2004, are a guide to all those interested in protecting the built heritage and include guidance on criteria to be used when selecting structures for protection, and guidance in relation to the assessment of development proposals and declaration requests.

5.3. National Inventory of Architectural Heritage (NIAH)

- 5.3.1. The NIAH does not detail the specific properties, however it does refer to the Claddagh Quay and the 'Long Walk', where the houses are situated.

6.0 The Referral

6.1. Referrer's Case

- 6.1.1. The declaration which was received from Galway City Council was referred to the Board for review by McCarthy Keville O'Sullivan, representing the owner and referrer in this case. The following points are put forward:
- Plaster has deteriorated which has caused dampness and mould to appear on the internal walls.
 - Proposals would involve the careful removal of the cement plaster, filling in voids and holes which would result, with an approved lime mortar, preparing the wall for render, applying a scratch coat and the application of a lime render finish (two to three coats as required) with a breathable finish to complete the exterior. It is also stated that the properties would be finished in white to match the existing finish.

- Proposals would be completely in-keeping with the character of the established buildings including the protected structures and would not alter the character of the ACA.
- The Planning Authority's decision appears to be heavily influenced by the Heritage Officer's report which referenced additional works considered to be required and which lie outside of the scope of works which are proposed.
- Proposed works would constitute exempted development by reference to Sections 4(h), 57(1) and 82(1) of the Act as the works would not materially affect the external appearance of the structures or materially affect the character of the Long Walk ACA.
- Proposed renovation works would be faithful to established conservation principals and would have a positive impact by maintaining the heritage value of the structures which have been in family ownership since 1938.

6.2. Planning Authority Response

6.2.1. No response.

7.0 Statutory Provisions

7.1. Planning and Development Act 2000, as amended.

7.1.1. Section 2(1)

- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

7.1.2. Section 3(1)

- 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

7.1.3. Section 4(1)(h)

- development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

7.1.4. Section 57(1)

- Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of:
 - (a) the structure, or
 - (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

7.1.5. Section 82(1)

- Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

8.0 **Assessment**

8.1. **Is or is not development**

8.1.1. As reworded, the question that has arisen in the referral is as follows:

- whether the renovation of the southwest façade to include the removal of a cement based render and replacement with a lime based render, to match the existing finish at properties no.s 9 to 14 inclusive at the Long Walk, Galway is or is not development or is or is not exempted development.

- 8.1.2. The referral documentation provides an outline of the proposed works, which in summary is stated would involve the careful removal of the existing modern cement render, filling large voids or holes with an appropriate lime mortar, preparing and rendering the wall with lime render to be applied by a specialist contractor and finished with breathable finish to match the existing and complete render. It is stated it would be finished in white.
- 8.1.3. Having regard to Sections 2(1) of the Act, I consider the proposal involves works, being the carrying out of an act or operation involving the removal of a cement based plaster from structures and the application of a lime based plaster to the exterior of the structures.
- 8.1.4. By reference to Section 3(1) of the Act, the works referred to above constitute development within the meaning of the Act. This is not disputed by either the referrer or the Planning Authority.

8.2. Is or is not exempted development

- 8.2.1. Following on from my conclusion that the proposal would constitute 'development' within the meaning of the Act, it is necessary to consider the question as to whether the development is or is not exempted development.
- 8.2.2. It is stated that the render would be applied by a specialist contractor and would match the existing finish. It is also stated that good practice conservation principles would be applied and all interventions would be recorded and schedules of works would be agreed with a conservation architect prior to implementation of the works.
- 8.2.3. S 4(1)(h) of the Act provides for the possibility of exemption for the works, being works which do not materially affect the external appearance of the structures so as to render the appearance inconsistent with the character of the structure or of neighbouring structures so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- 8.2.4. In relation to the three protected structures (Properties no.s 11,12 and 13) on the site, this exemption afforded under S 4(1)(h) is qualified by reference to Section 57(1) whereby the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special

architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

- 8.2.5. The three protected structures are recorded under Reference No.5101 of the City Development Plan. The record provides that the buildings special interest is 'architectural' and the sites feature is 'part of a streetscape'.
- 8.2.6. The existing cement based render to the front/southwest elevation is stated as not being part of the original fabric of the property nos. 11, 12 and 13 (protected structures) and is not therefore an element of the structure which contributes to their special interest which is 'architectural'. Its replacement by a lime based render with the same external appearance, as is proposed, would not materially affect the character of the protected structures or any element of the structures or materially affect the features of the protected structures as part of a streetscape. While I note that the upper floor of property no.9 is not currently painted white and that there is a generic reference in the referral to finishing all properties in white, I also note that it is stated that the works would match the existing and as stated above, best practice conservation principles are stated to be adhered to. In that regard, on balance, I would anticipate that the upper floor of this property (no.9) are unlikely to be painted at all.
- 8.2.7. No alterations to the building beyond the render replacement and associated repairs of the walls in preparation for the application of the lime based render are proposed and therefore no change to the buildings special interest (architectural) or the site feature (part of a streetscape) would result.
- 8.2.8. Accordingly, with regard to the three protected structures, the works would come within the scope of Section 57(1) of the Act, as the said works would not materially affect the character of the three protected structures.
- 8.2.9. Section 82(1) of the Act also requires consideration in respect of the location of all of the properties in an ACA. It provides that the carrying out of works to the exterior of a structure located in an ACA shall be exempted development only if these works would not materially affect the character of the area. As per my considerations above, I am satisfied that the proposed works would not materially affect the external appearance of each of the structures or the streetscape and accordingly cannot be considered to affect the character of the ACA.

8.3. Conclusion on Exempted Development

- 8.3.1. Overall, I am satisfied that the proposed renovation of the external façade would not materially affect the external appearance of the six structures (no.s 9 to 14 inclusive) so as to render their appearance inconsistent with the character of the structures or of neighbouring structures or the character of the Long Walk ACA in which the structures are situated. I am equally satisfied that the works would not materially affect the character of the special architectural interest of the three protected structures (no.s 11, 12 and 13). Accordingly, by reference to the various applicable provisions of the Act, including Section 4(1)(h), 57(1) and 82(1) and noting the provisions set out under Section 4(4), the development is exempted development within the meaning of the Act.

8.4. Environmental Impact Assessment and Appropriate Assessment

- 8.4.1. Section 4(4) of the Act sets out that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.
- 8.4.2. I am satisfied that the development which is exempted development would not give rise to any significant environmental effects and would not therefore require Environmental Impact Assessment. I am equally satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the renovation of the southwest façade to include the removal of a cement based render and replacement with a lime based render, to match the existing finish at properties no.s 9 to 14 inclusive at the Long Walk, Galway is or is not

development or is or is not exempted development.

AND WHEREAS Mr. & Mrs. John Coyle requested a declaration on this question from Galway City Council and the Council issued a declaration on the 7th day of September 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Mr. & Mrs. John Coyle referred this declaration for review to An Bord Pleanála on the 3rd day of October, 2017:

AND WHEREAS it is stated in the documentation which accompanied the declaration and referral requests that the render would be applied by a specialist contractor, would match the existing finish and adhere to good practice conservation principles and that all interventions would be recorded and schedules of works would be agreed with a conservation architect prior to implementation.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 57(1) of the Planning and Development Act, 2000, as amended,

- (e) Section 82(1) of the Planning and Development Act, 2000, as amended,
- (f) the location of the subject site and properties 9 to 14 inclusive within the Long Walk Architectural Conservation Area and the inclusion of properties 11,12 and 13 on the record of protected structures as set out in the Galway City Development Plan 2017-2023,
- (g) the provisions of the 'Architectural Heritage Protection Guidelines for Planning Authorities' issued by the Department of Arts, Heritage and the Gaeltacht (2011),
- (h) the documentation submitted as part of the referral including the description of the intended works and the measures to be employed to adhere to good conservation principles and that the finish would match the existing finish.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The renovation of the southwest façade to include the removal of a cement based render and replacement with a lime based render, to match the existing finish at properties no.s 9 to 14 inclusive at the Long Walk, Galway is considered to be works and is, therefore, development within the meaning of the Act,
- (b) the development comes within the scope of Section 4(1)(h) of the Act being works to improve all of the properties,
- (c) With regard of the three protected structures (no.s 11,12 and 13), the development would come within the scope of Section 57(1) of the Act as the works described would not materially affect the character of the three protected structures.
- (d) In respect of all structures, the development is not considered to detract from or materially affect the character of the Long Walk

Architectural Conservation Area which is stated includes ‘a distinct urban form and which reflects Galway’s historic relationship with the sea and is a landmark area for the city’ and the works would therefore come within the scope of Section 82(1) of the Act.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the Planning and Development Act 2000, as amended, hereby decides that the renovation of the southwest façade to include the removal of a cement based render and replacement with a lime based render, to match the existing finish at properties no.s 9 to 14 inclusive at the Long Walk, Galway is development and is exempted development.

Patricia Calleary
Senior Planning Inspector

25th June 2018