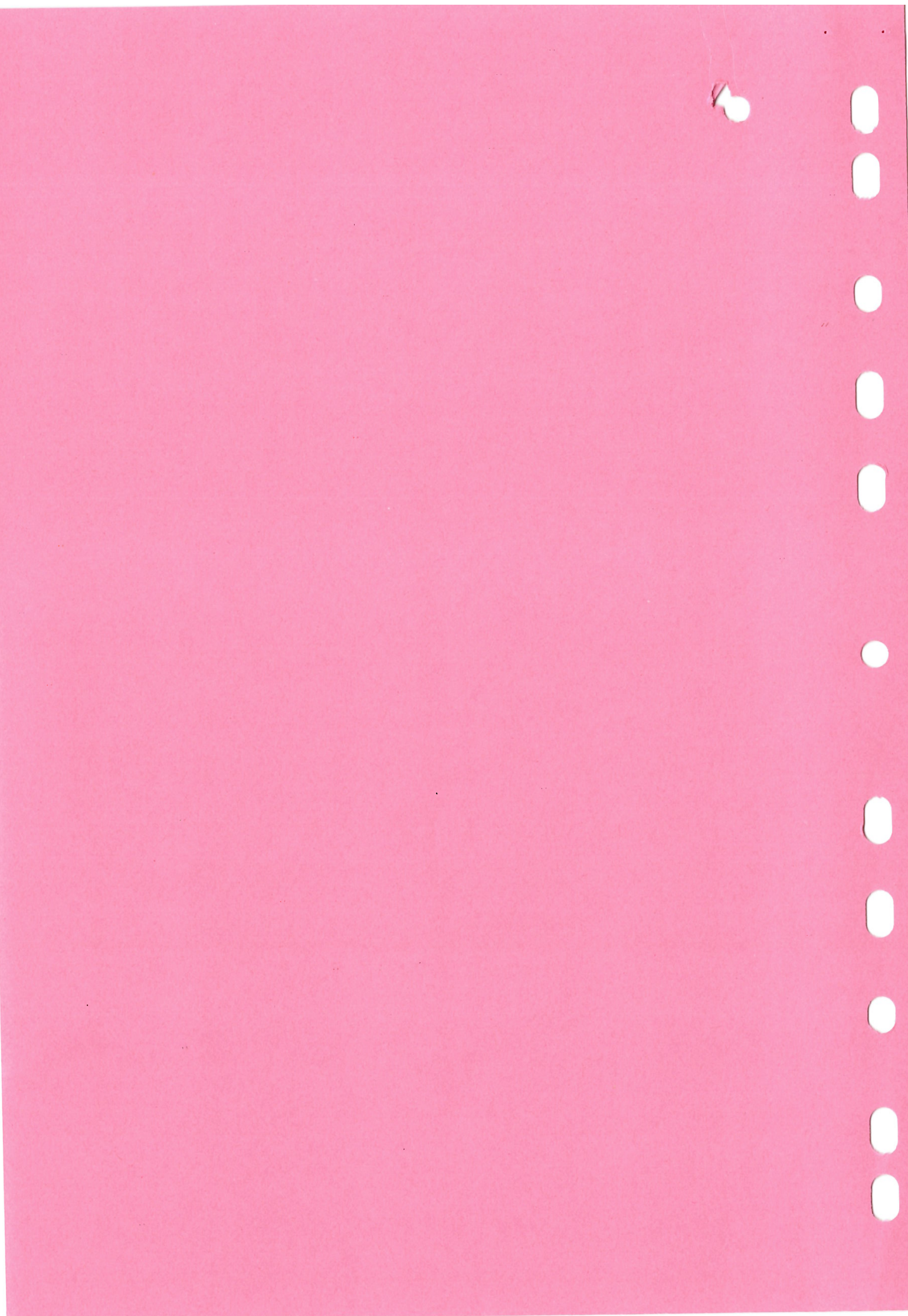








CONSERVATION REPORT

**For Works at Eir Exchange, Wellington Road,
Saint Lukes, Cork
on behalf of Towercom Ltd**

**Colm O'Sullivan MRIAI
November 2024**





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1. Introduction

This report seeks to assess, from an architectural conservation perspective, the impact of a proposed telecommunications mast replacement within the Wellington Street Architectural Conservation Area (ACA) in Cork City. The existing mast will be replaced with a new, similar mast to ensure continued telecommunications services in the area.

This report relies on other documentation which provide descriptions of the proposed development and should be read in conjunction with them. These include:

- Drawing TCK5525-SA18-B-01
- Photomontages of the proposed monopole at the Eircom Exchange prepared by RME Digital Solutions
- Planning Report for Works at Eir Exchange, Wellington Road, Saint Lukes, Cork by McCutcheon Halley Chartered Planning Consultants

This report is restricted to conservation architecture issues and other reports address the project from planning, engineering, legal perspectives etc. in detail.

2. Background of Author

The author of the report is an RIAI Grade 3 Accredited Conservation Architect with twenty years' experience working on conservation architecture projects throughout Ireland, having worked on numerous Protected Structures and a handful of National Monuments.

This experience has been gained with T.P. Kennedy and Partner Architects, Roisin Hanley Architects and Deaton Lysaght Architects, and by working in concert with RIAI Grade 1 Accredited Conservation Architects Mr. John Deaton, Mr. Michael Lysaght and Ms. Roisin Hanley on conservation projects.

National Monuments worked on by the author include 9-9A Aungier Street, Dublin, some of the oldest surviving houses in the city, and a current project on site for the renovation of Bellew's Castle in Dundalk being undertaken with the aforementioned Mr. John Deaton and Mr. Michael O'Boyle of Michael O'Boyle Architecture + Conservation, who is also a RIAI Grade 1 Accredited Conservation Architect.

3. Duties and obligations of Expert Witness

The author is cognisant of the fact that this Expert Witness report is prepared solely for the benefit of the Court and not for the interests of any particular party, including the party which will be covering the cost of the preparation of the report.

All opinions contained within the report are the honest professional opinion of the author.

It has been explained to the author, also, that any conflict of interest would preclude the author acting as Expert Witness. The author confirms that no such conflict of interest exists.

4. Project Background

- Location: Grounds of the Eir Exchange Building, Wellington Street, Cork City. This location is within an Architectural Conservation Area (ACA) under the Cork City Development Plan 2022-2028.
- Purpose: Replacement of an existing telecommunications mast with a similar mast within several metres of the existing mast.

Site within ACA setting & Exempted Development

The site is located within an ACA which means that the development should be carried out within the parameters set out in legislation for development in such protected areas.

The Cork City Council website has the following advice in relation to ACA's which is generally applicable to all ACA's nationwide. The section underlined is crucial:

The designation of historic areas as Architectural Conservation Areas (ACAs) under Section 81 of the Planning & Development Acts is a way to protect the character of Cork's historic areas. The aim is to protect their special characteristics and distinctive features while encouraging suitable contemporary development.

*Under Section 82 of the Planning and Development Act 2000, 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. External works, including new development, that would affect the character of the area will require planning permission. This can mean replacing the windows or doors, changing historic paving or replacing ironwork railings can require planning permission. **Repair or refurbishment which does not materially affect the external character will not require planning permission.** Often the best way to ascertain what is exempt or not is to consult with the Conservation Officer in the Planning Department.*

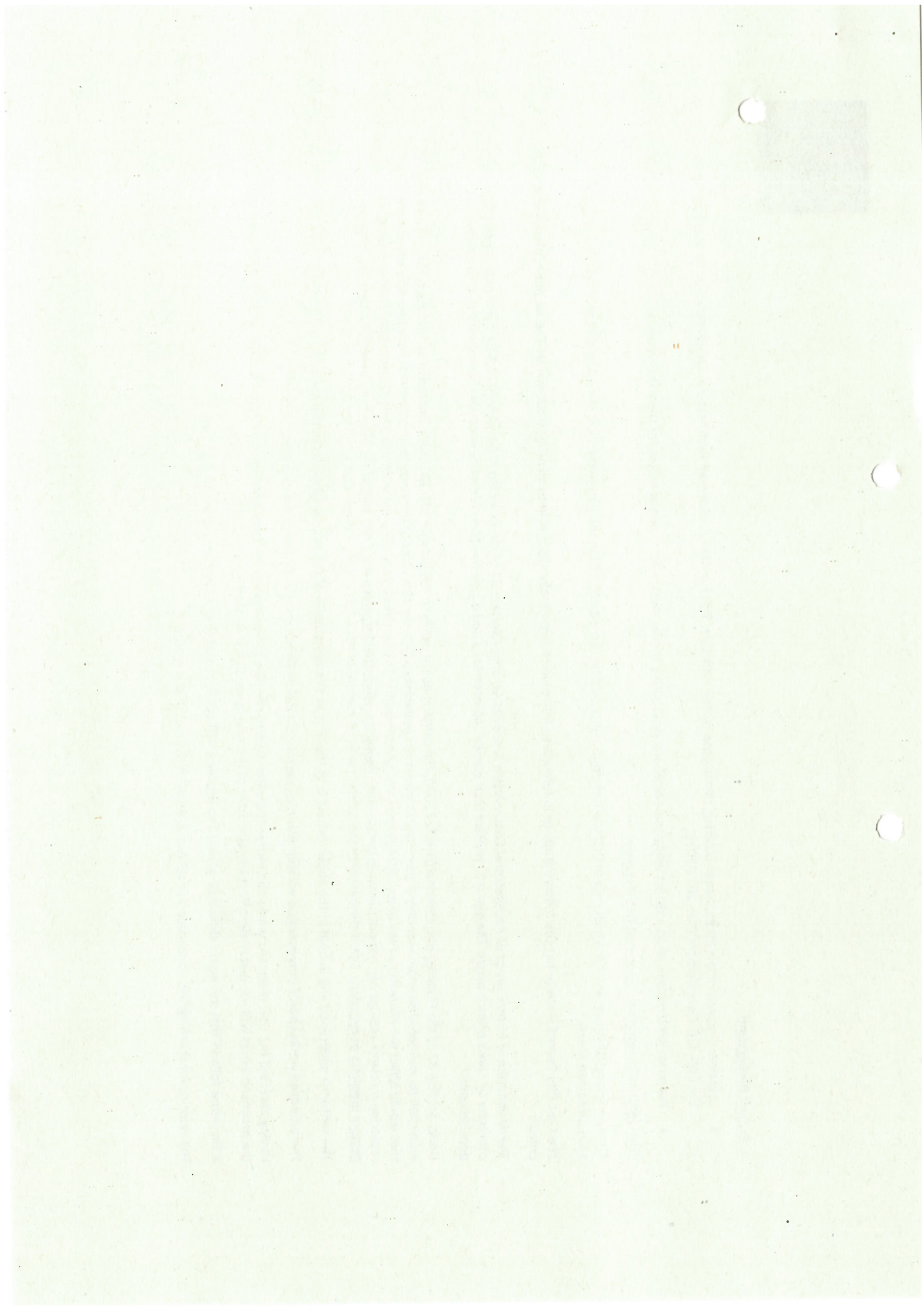
The sentence underlined and in bold in the above extract is at the crux of this assessment of the proposed works to the mast.

The proposed works should only proceed without planning permission if they do not materially affect the character of the ACA.

Having assessed the site, proposed works and visited the wider ACA to see how the works would impact on the area, it is my professional assessment that the proposed works will not materially affect the character of the ACA in which it is located.

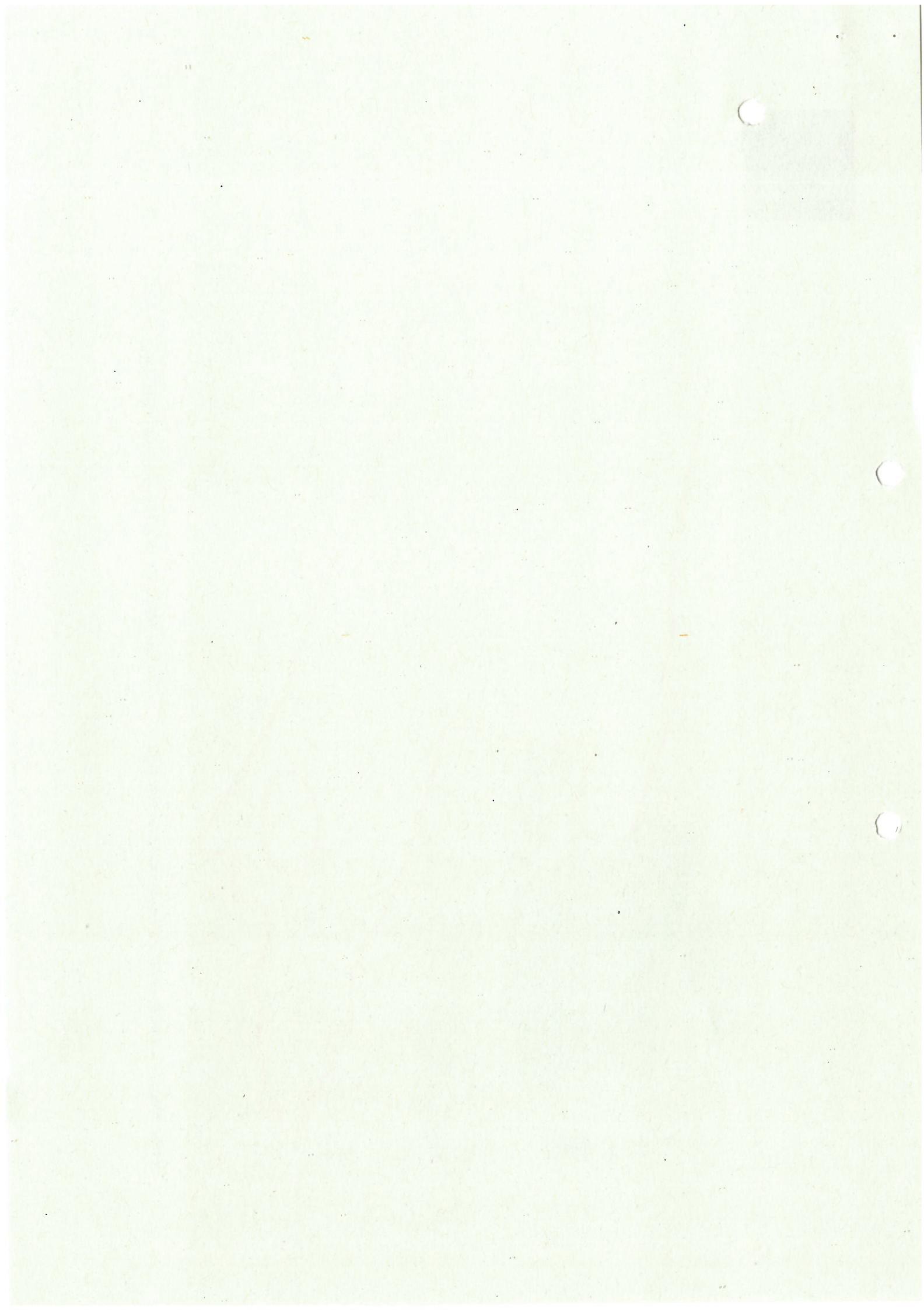
It therefore follows that the works should be allowed to proceed without the need to obtain planning permission for the works.

The reasons for reaching this conclusion are set out in detail in the rest of this report.





Above: Map of the Wellington Road /St. Lukes ACA from Cork City Development Plan 2022-2028, Eir Exchange location highlighted.



5. Site and Planning Context

Replacement of an existing telecommunications mast is Exempted Development under Class 31 (j) of the Planning & Development Regulations. This is expanded upon in detail in the Planning Report compiled by McCutcheon Halley Chartered Planning Consultants (The Planning Report).

Class 31 (j) has six specific conditions and limitations which the development must meet in order to qualify as Exempted Development – i.e. development that does not require Planning Permission. Having examined the description of the proposed works, it is clear to the author that the works do not breach the conditions and limitations and therefore should qualify as Exempted Development.

However, as already outlined, development in an ACA can only be Exempted Development if it does not materially affect the character of the ACA. In order to assess whether this is the case, it is necessary to examine the existing ACA and see if the proposed works would be in keeping with the character of the ACA.

The author has carried out an assessment of the ACA, as described below. However, the Planning Authority, in making its Development Plan and designating the ACA in the first instance, has already made its own assessment. It is worth looking at this assessment at this juncture.

The following is the description of the Wellington Road /St. Lukes Architectural Conservation Area taken from the Cork City Development Plan 2022-2028. This covers the whole of the ACA and the section in **BOLD** relates directly to the site of the proposed works:

Description of Area

1.234 The ACA has been extended by including the area to the north of Griffith College taking in the terraces of Military Hill and Military Road, and as far west as Sidneyville and Shrewsbury Villas.

1.235 The area is centred on the streets running west to-east, i.e., St. Patrick's Place, Sydney Place, Wellington Road and St. Luke's Place. It is bounded on the west by the rear boundaries of (but not including) the properties on St. Patrick's Hill, on the east and south by Summerhill North (excluding the buildings on the south side of the road), on the north by the rear property boundaries of the terraces along Military Road and as far west as Shrewsbury Villas. ACA Wellington Road / St. Luke's

The area also takes in the terraces to the north of St. Luke's Cross along the lower part of Ballyhooley Road, and the bottom of Gardiner's Hill, including Adelaide Place, as well as St. Luke's Church and the south-facing terraces immediately to the south, Clarence & Victoria Terraces.

Statement of Character

1.236 The character of the area, of architectural and historical significance, varies as you move from St. Patrick's Place, Sydney Place along Wellington Road and up to St Luke's Cross. The first section from St. Patrick's Place, Sydney Place, and the lower part of Wellington Road as far as York St. is more city-centre in character, with a mixture of uses including offices, warehouses, schools, and apartments, aimed at city-wide users.

Physically, it is older, with large Georgian terraced houses entered directly from the street along the north side, and with a mixture of smaller generally later buildings facing the street along the south side.

1.237 The middle section of the area along Wellington Road is mainly domestic in character. The area is made up principally of Georgian and Victorian houses, some in single-family occupancy, some subdivided into self-contained units. Most of the houses are grouped together in formally designed terraces or in pairs. The terraces are designed to face south, although the principal access is generally, but not always, from the street side irrespective of whether the house is on the north or south side.

Many of the buildings are designed to look out over and be seen from a distance from the city centre and the south side of the river. The section to the east end of the area around St. Luke's Cross is made up of terraced buildings containing shops, public houses, a post office, and other local services in terraces of individual buildings with access directly to the street. Adjacent to the Cross on the east side, there are further blocks of grouped south-facing formally designed terraces, designed to be seen from and to look out over the immediate area and the harbour to the south.

Building Typology

1.238 The buildings which make up most of the area are built of brick or stone, usually rendered in lime or old cement. Where houses retain original elevational features, they have timber sliding sash windows, roofs of natural stone slate and cast-iron rainwater goods. Many houses have architecturally composed boundary walls with doorways or gates, cast-iron railings, and external steps with metal handrails. The area contains significant lengths of footpaths, with stone steps, cast iron railings and stretches of stone-kerbing. There are mature trees along the footpath on Wellington Road.

Issues

1.239 The area is undergoing change. Houses in multiple occupancy are being refurbished and returned to single-family use and into larger self-contained units. New houses are being built on former mews lanes and at the rear of large, terraced houses. Car parking for users of local services and residents is at odds with the parking by city centre commuters who park in the area and walk into the city centre.

6. Author's assessment of ACA

The author carried out a visit to the project location on Tuesday 26th November 2024 and the assessment below is based on this visit and a brief, given the available time, desktop study of the history of the area.

Topography, Orientation and Character

The Wellington Road/St Lukes ACA is an established area of the northeastern part of Cork City.

An important aspect of the ACA that may not be immediately apparent when looking only at maps and photographs of the area is that there is a steep rise in elevation from the southern side of the ACA, near to the banks of the River Lee, up to the northern parts of the ACA away from the river.

This has led to terraces of houses being built generally in the east-west direction that face south to both the views and the direction of the sunlight throughout the day.

There are wide roads and terraces to the fronts of these terraces which help keep the distances between the terraces in a north-south direction large enough to let the rising slope mean that the houses can see over the lower terraces and to the far distance.

This is clearly evident in the photographs on the following pages.

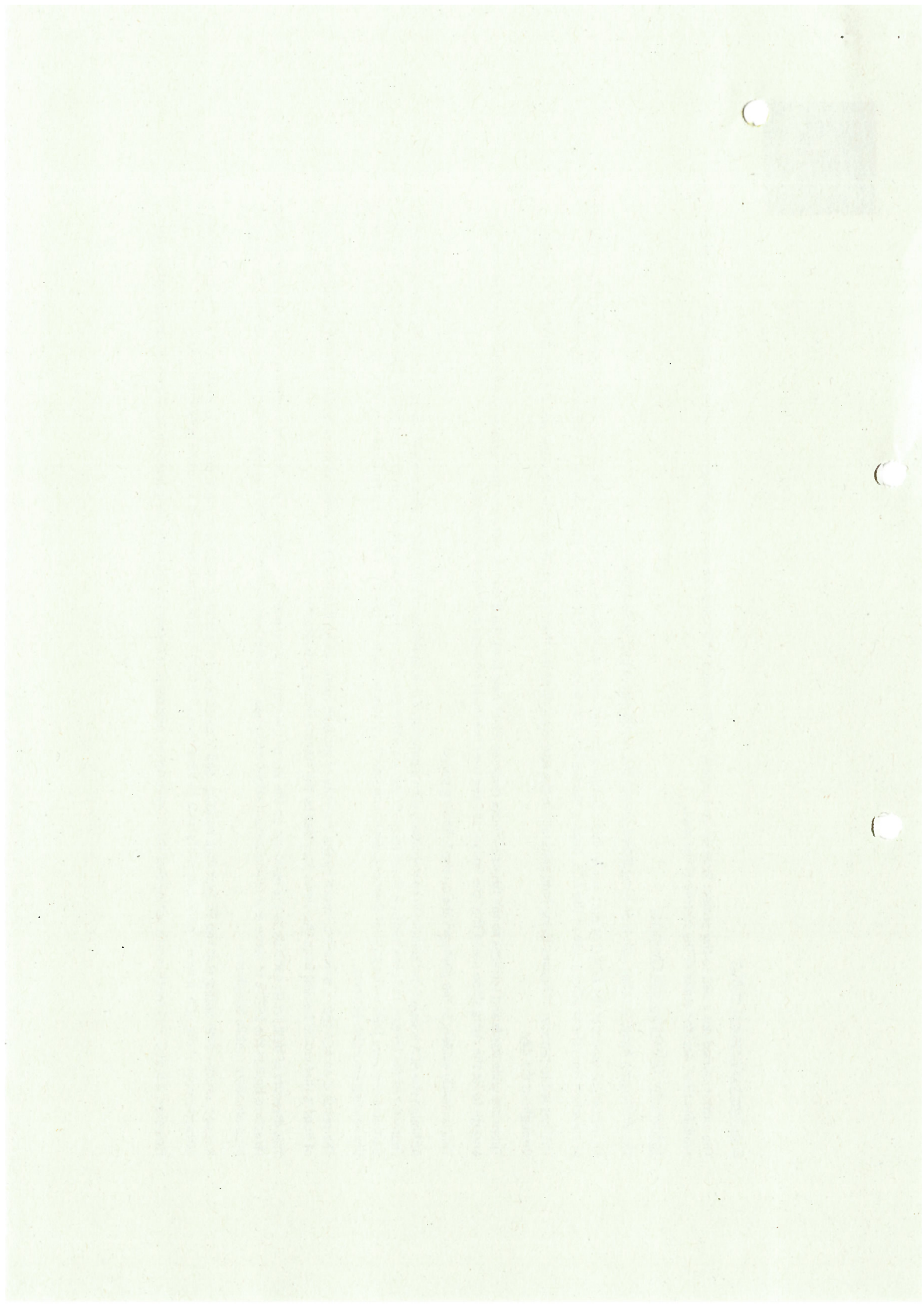
Although the ACA is largely residential in composition, with a handful of civic buildings and amenities also present, there is no uniform house style. The character of the houses and area evolved down through the years that Cork City was expanding away from the city centre. The terraces built in the Georgian era were built in the style of their era, whilst the later Victorian terraces adopted the architectural fashion of their own time, rather than replicate the existing Georgian terraces.

The result is an ACA that is defined as much by the diversity of the built fabric within it as it is by the overarching principle of building south-facing terraces of houses that would benefit from the views provided by the steeply sloping topography.

This diversity of built fabric extends to the buildings on the site of the proposed replacement mast. The Eir Exchange building is an unassuming utilitarian structure built in the 1970's to serve as a telecommunications exchange. The mast was built in the 1990's as telecommunication technology advanced to accommodate mobile telephones.

It is very much worth noting that the Eir Exchange building, and in particular the telecommunications mast, do little or nothing to add to the architectural attractiveness of the ACA. It would be clearly preferable to have no such infrastructure at all present in an urban residential area.

However, it is also very much worth noting that this infrastructure was present *before* the area was designated an Architectural Conservation Area.





As this infrastructure was both already present AND clearly visually and architecturally undesirable, it is evident that the area was designated as an ACA despite its presence.

The mast is far from the only example within the ACA of unsightly infrastructure.

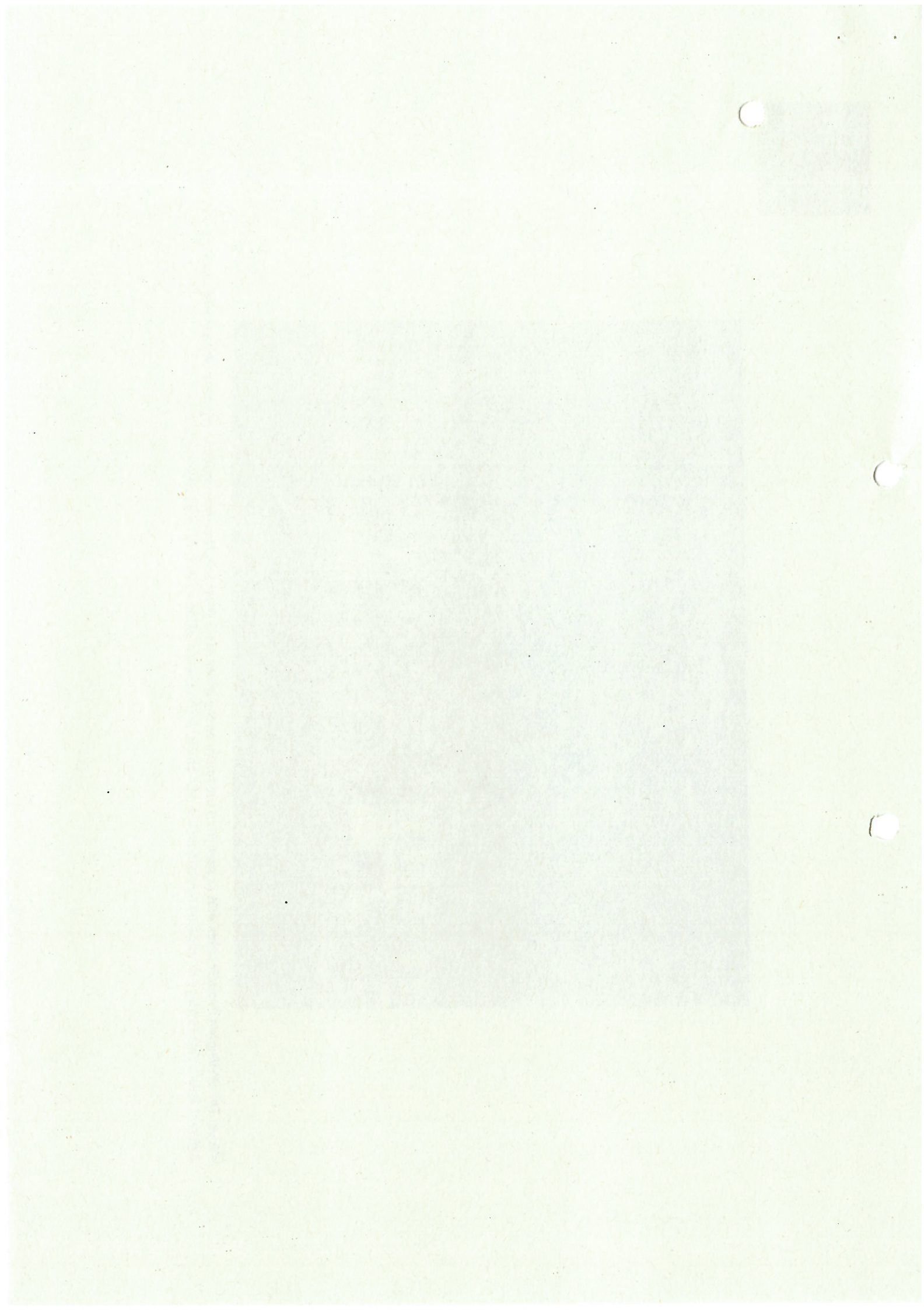
Numerous photographs from throughout the ACA below show not only the well-preserved terraces of the ACA, but also multiple examples of telegraph poles, electricity poles, cables, satellite dishes etc. that are far from aesthetically pleasing. However, they are present from where new technology came along, after the construction of the terraces, and was accommodated for its functional reasons within the ACA.

As much as it may be desirable to remove such visually intrusive infrastructure, it cannot be argued that they do not form part of the character of the ACA, albeit they are not the ACA's most desirable features.

Given that the proposed mast is going to be positioned with metres of the existing mast, and also that it will resemble the existing mast, the author is of the opinion that the proposed new mast would not be materially altering the character of the area. In fact, it is fitting in with an inherent quality of that character, as the images below hopefully serve to demonstrate.



Above: The Wellington Road/St Lukes ACA as seen from the south, on the banks of the River Lee. Note how multiple separate terraces of houses are visible at different levels. This strategy is repeated throughout the ACA and is, in the opinion of the author, its most defining feature.

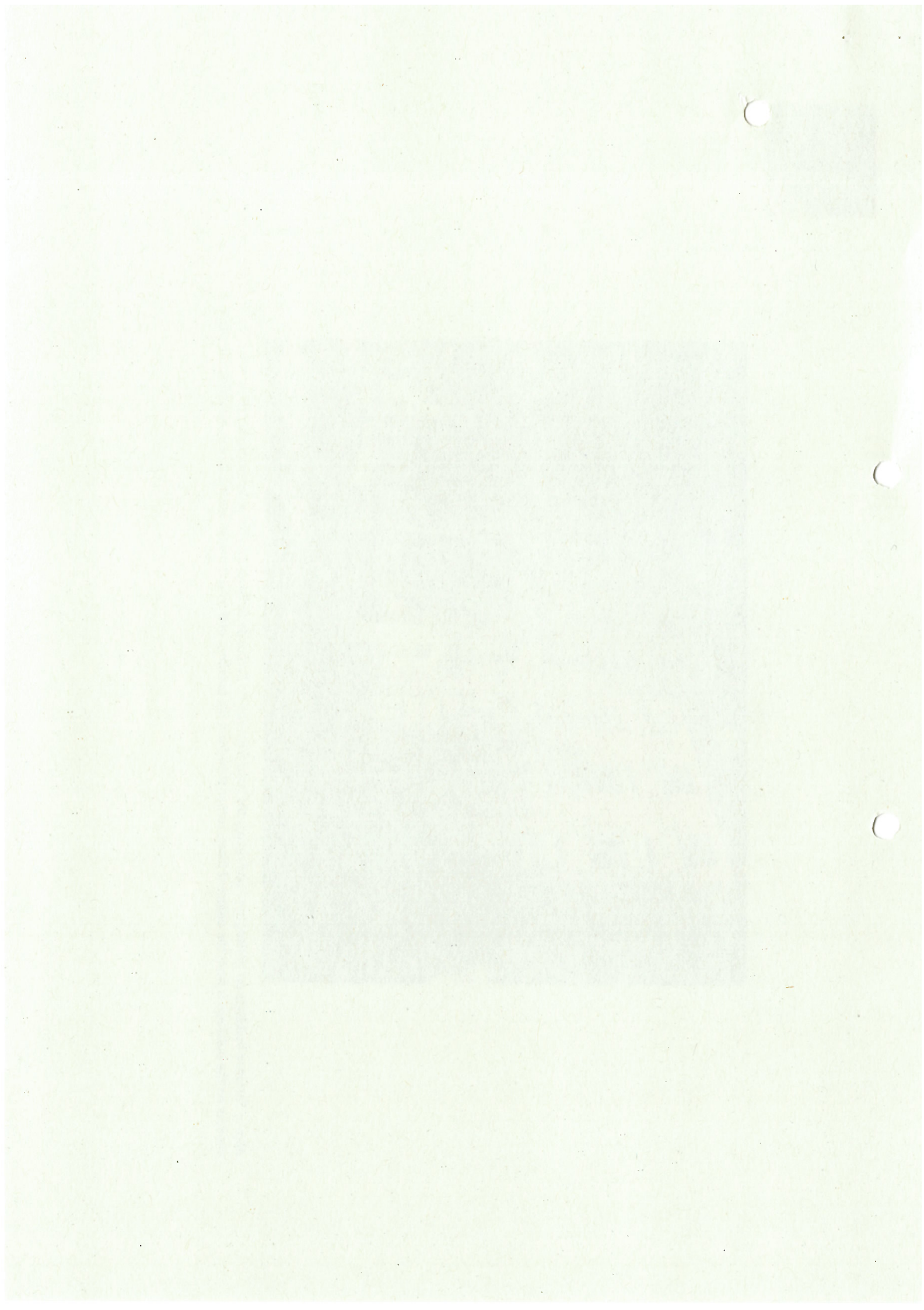




Above: York Terrace, within the ACA. Note how these southern elevations benefit from being fully lit with sunshine due to the slope of the ACA, despite the picture being taken during winter when the sun is low in the sky during the day.

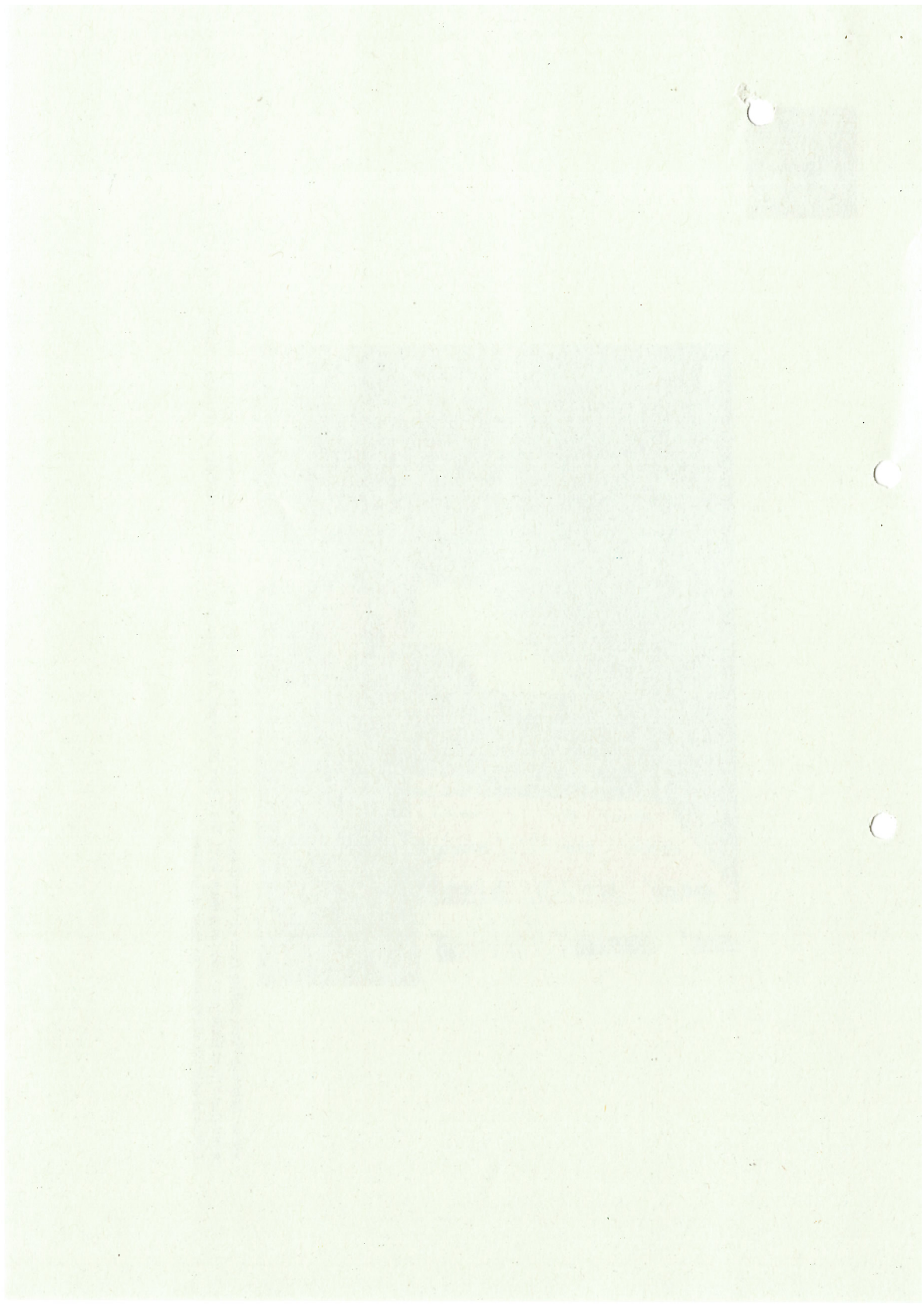


Above; Terraced buildings on Wellington Road across the road from the Eir Exchange building and the telecommunications mast site. Note that the only shadow on the buildings is from the adjacent trees, rather than from the buildings and structures across the street, including the mast.





Above: Belgrave Place, dating from circa 1840, located directly north of the site of the mast. Note the associated terrace to the front of the houses which separates it from Wellington Road at a lower level. This allows the houses in the terrace to see over the buildings on Wellington Road, including the Eir Exchange building, particularly on their upper floors.

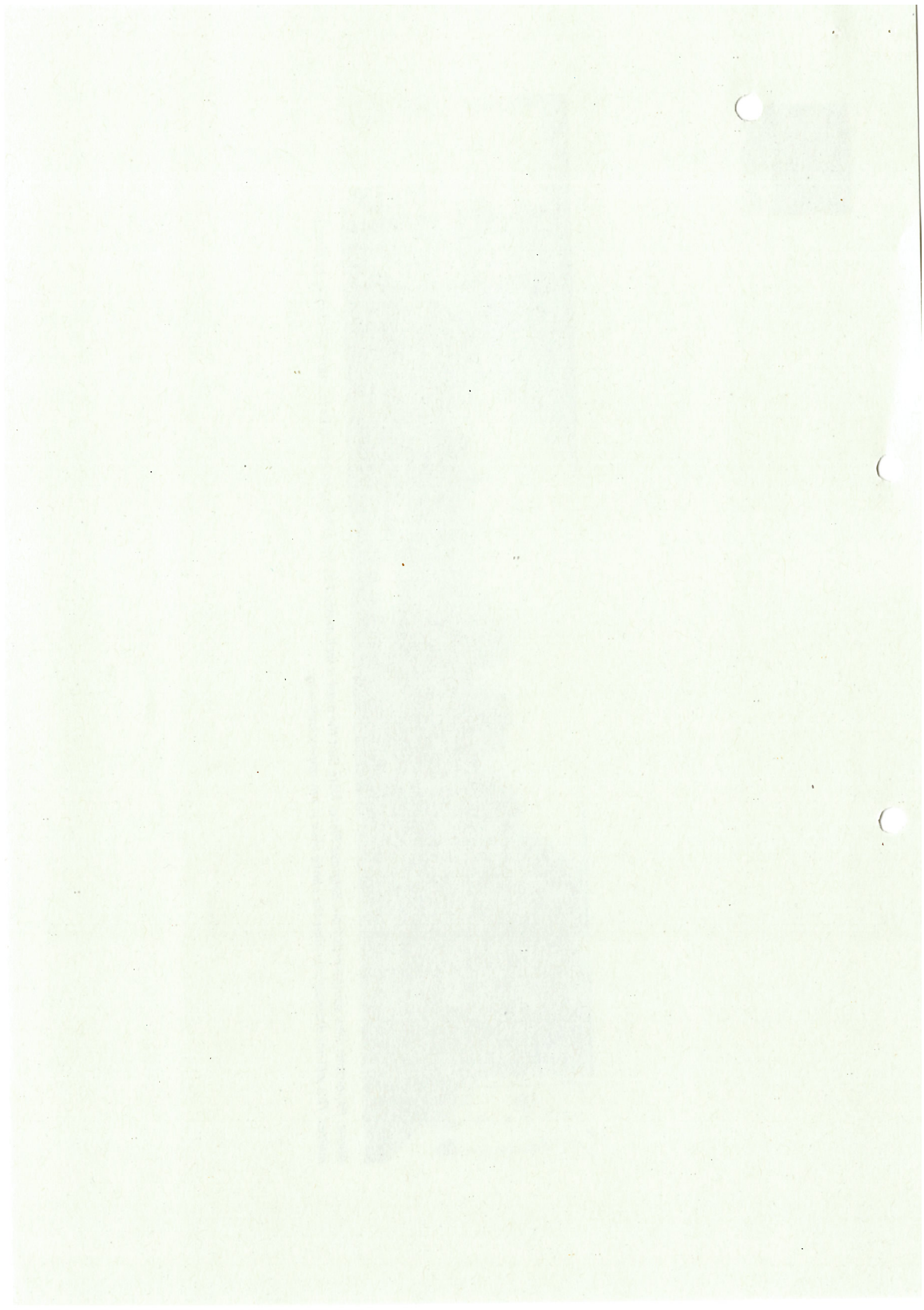




Above; the raised terraced area to the front of Belgrave Place, with car parking spaces to foreground. The Eir Exchange building and Trinity Presbyterian church are in the background across the other side of Wellington Road, which as at a lower level behind the railings to the terraced area of the parked cars. Note the mature trees that, even in winter, provide excellent visual screening of both the Eir Exchange building and the telecommunications mast.

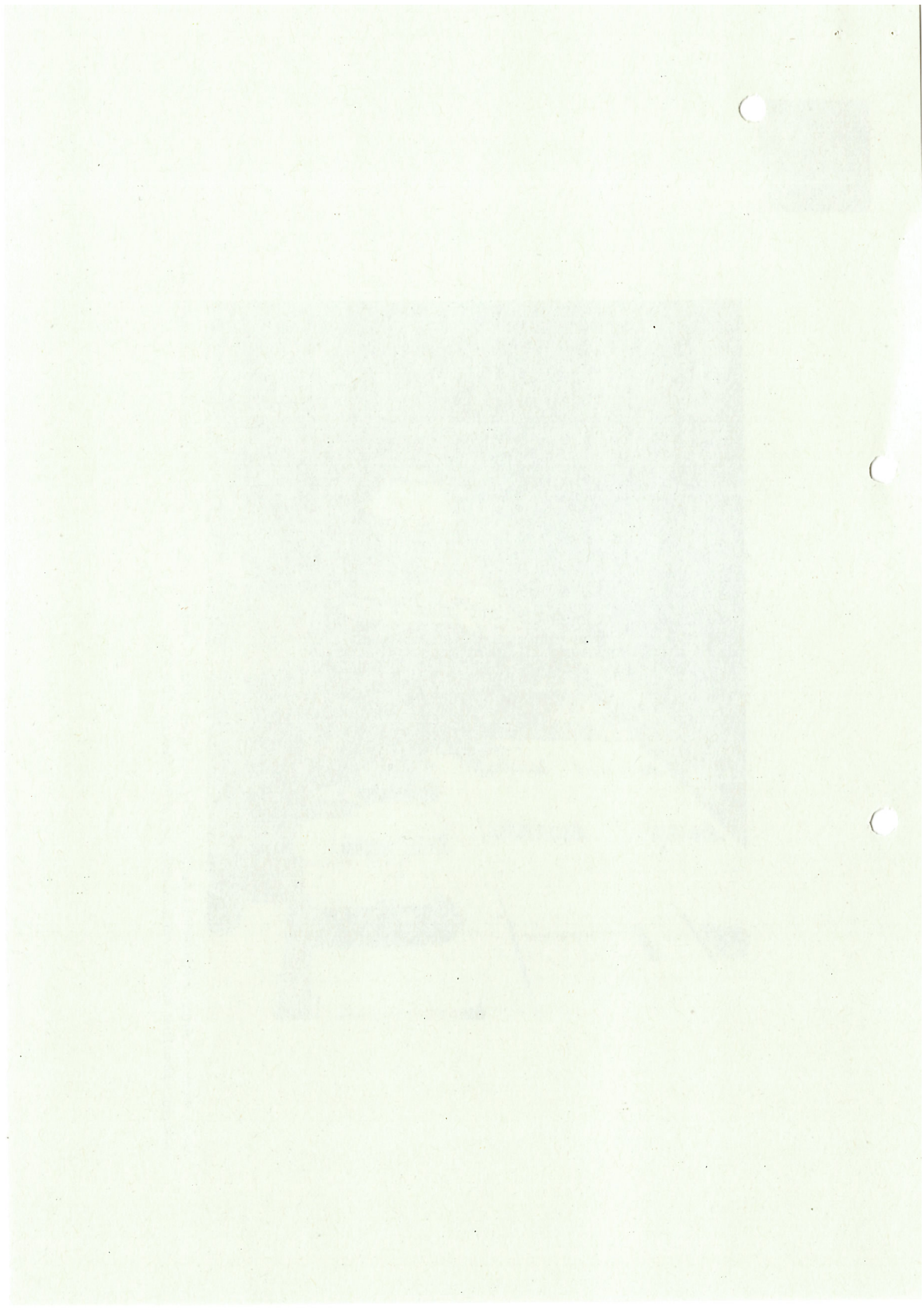


Above; Panoramic view southwards from Belgrave Place. Note that the mast is well masked by the existing trees and its location will change by circa three metres. This will not dramatically alter the above view in any appreciable way.



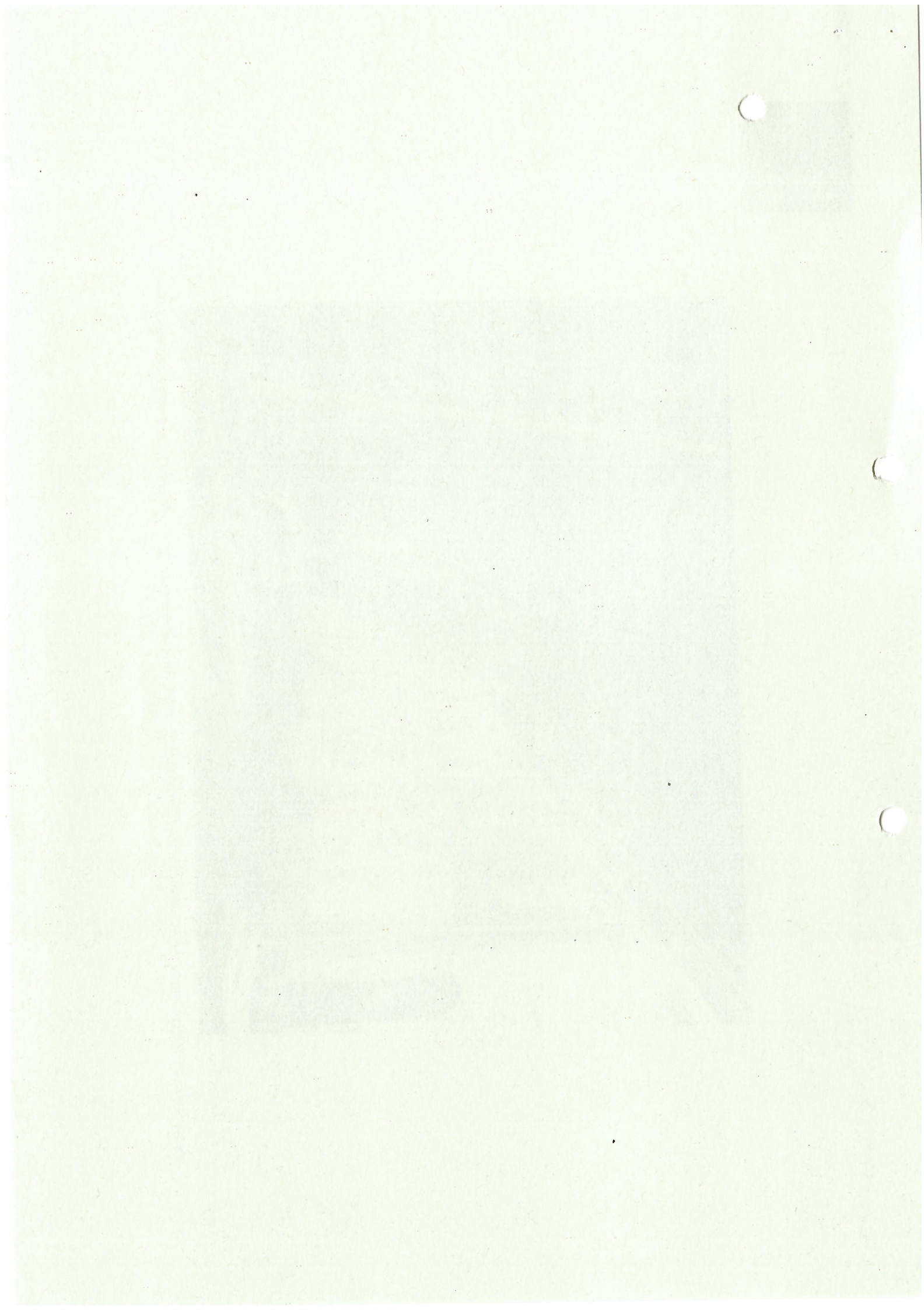


Above; Waterloo Terrace, within the ACA. Another south-facing terrace of houses. Note the telegraph poles and cables which have not been put underground and form, however unintentionally, part of the character of the ACA.



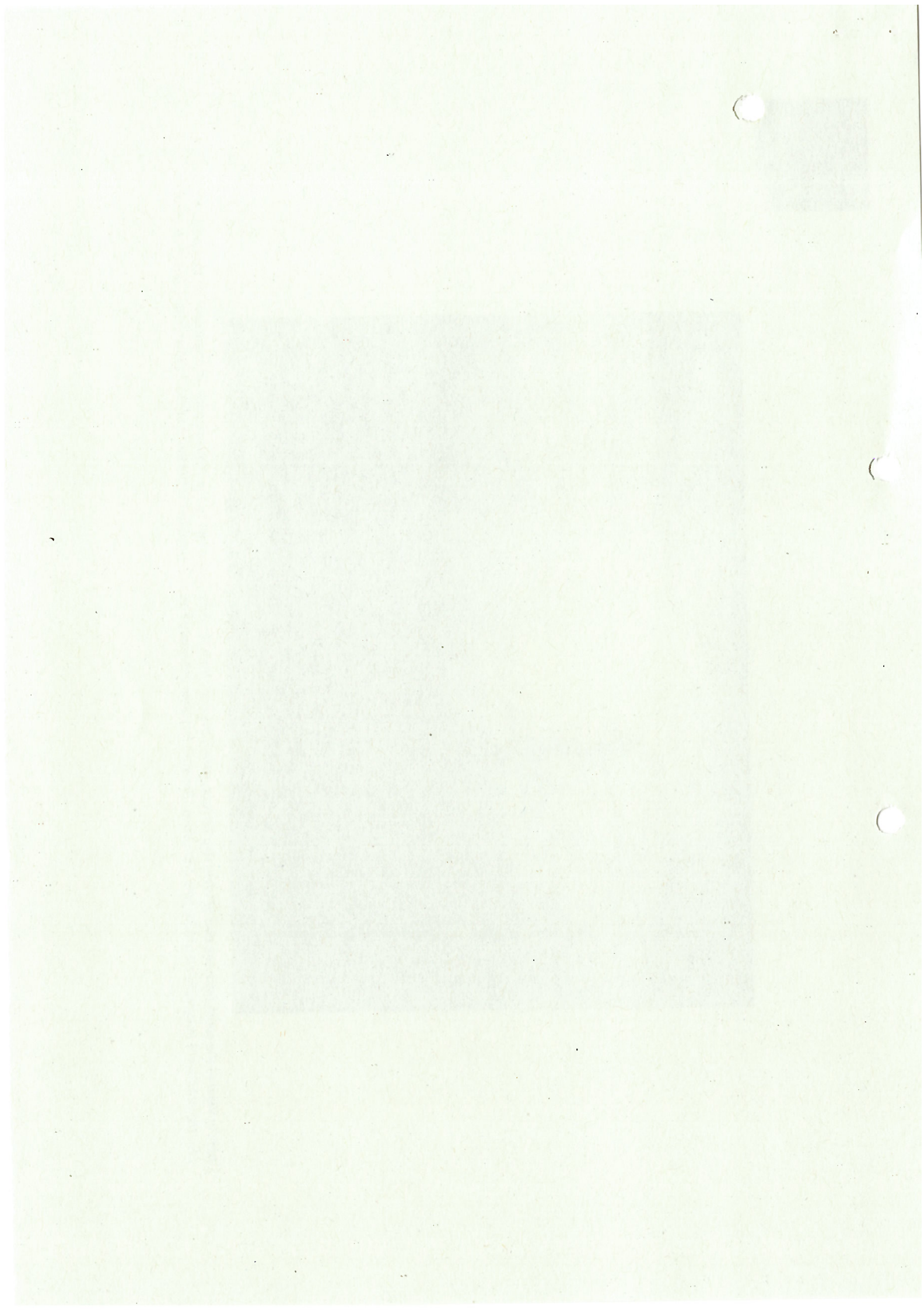


Above; Wellesley Terrace within the ACA. Repeats the form of south facing-terrace with telegraph/electricity poles and wiring again prominent



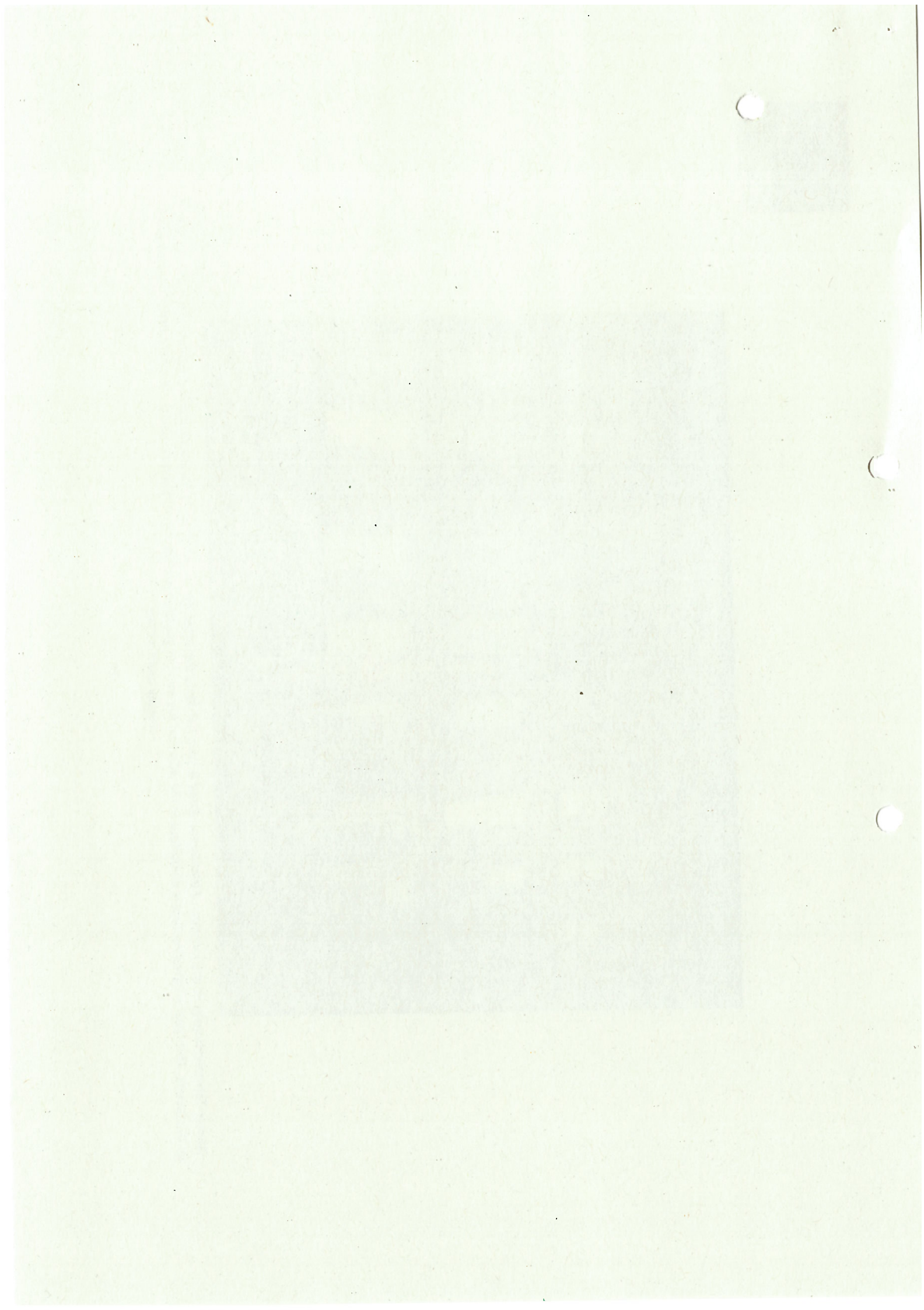


Above: View to the south from the end of Wellesley Terrace, within the ACA. Note the extensive views to the distance and the orientation to the south. Note also the prominent telegraph/electricity pole and wiring. The area has been designated an ACA despite the presence of this infrastructure, not because of it.



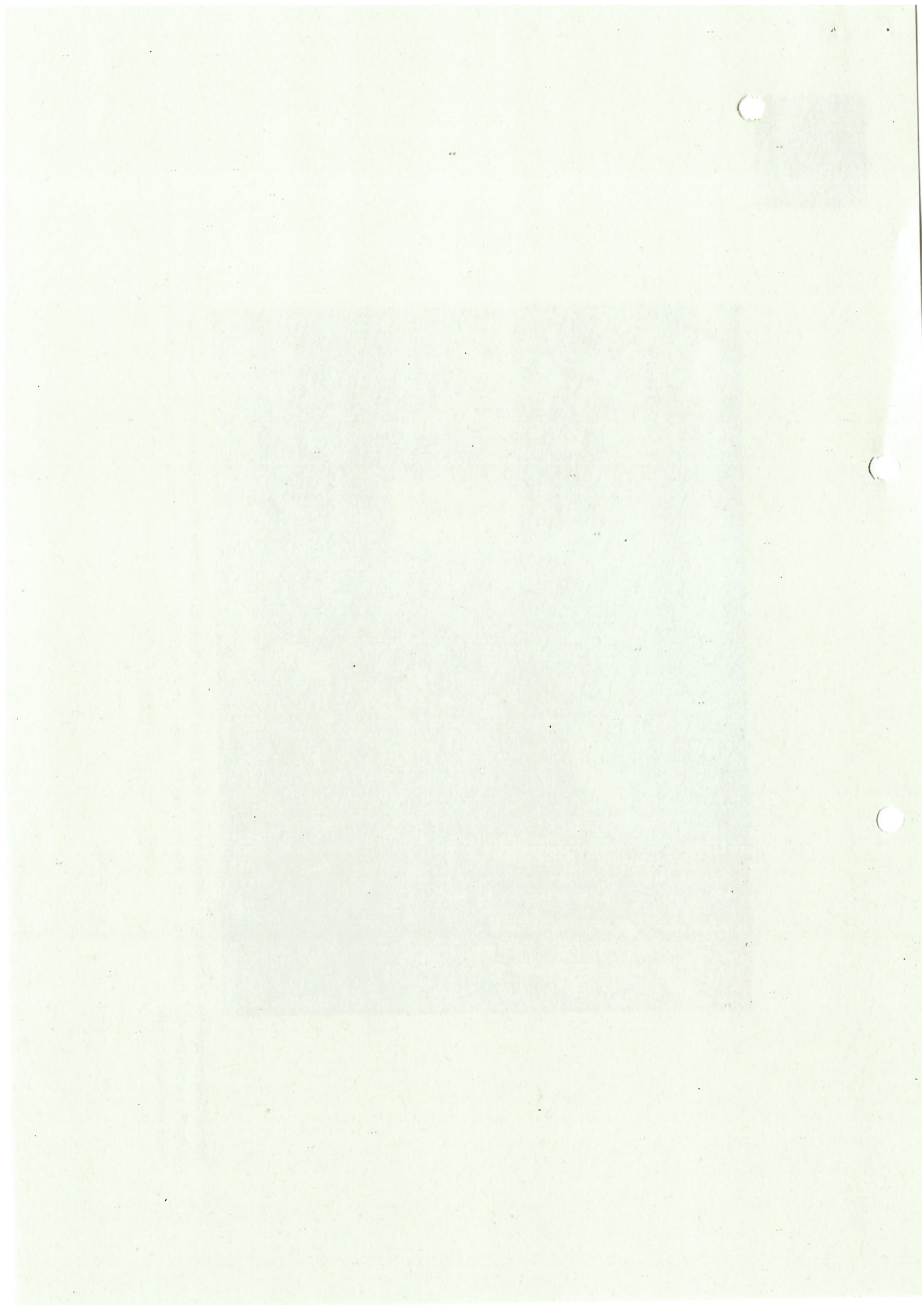


Above, Terraced houses at the junction of Wellington Road & York Hill. Note the extensive wiring fixed to the public lighting standard and the satellite dish on the facade. This type of infrastructure is ubiquitous in the ACA and the most in question is similar in its characteristics – anachronistic to the buildings and visually unattractive.



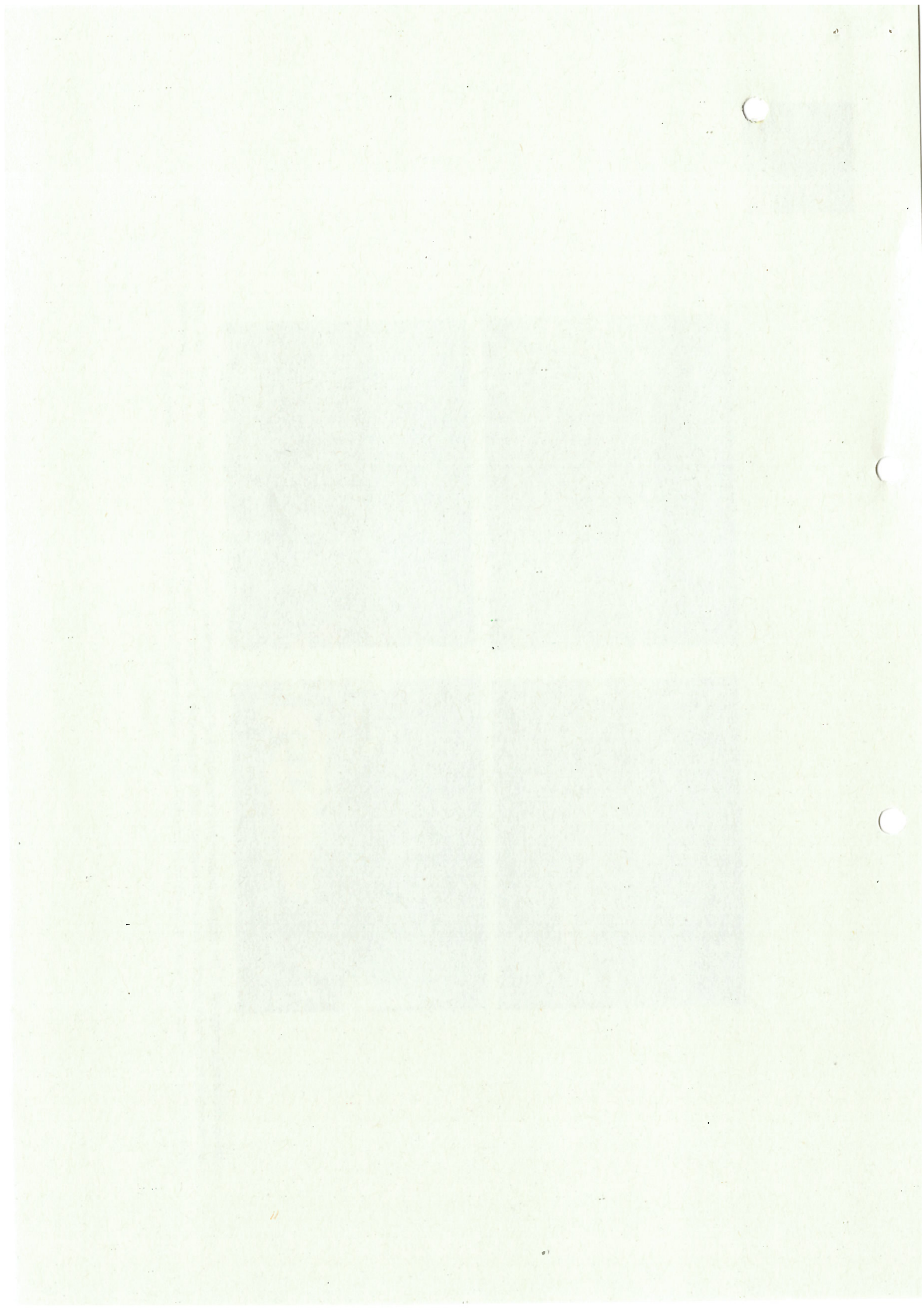


Above; View towards the Eir Exchange building and mast from Sidney Place. It should be noted that the mast is not visible. This is the norm rather than the exception within the ACA. The mast does not dominate the ACA visually at all, nor could the replacement mast, being so close to the location of the existing mast, and being no taller.





Above, clockwise from top left: 1. The mast is prominent from the car park of Trinity Presbyterian Church. However, the new mast will be placed slightly further back and will not, therefore, be any more visually prominent or materially affect the character of the ACA. 2. View of the church from the entrance – mast is not visible. 3. View of church from the River Lee – mast is not visible. 4. View from Summerhill – mast is visible through the trees but is not visually intrusive in relation to the view of the church.



7.Context of the Site

Issue of Neighbouring Protected Structures

The point may be raised that the mast is in close proximity to, or even part of the curtilage of, neighbouring Protected Structures and therefore the development should be subject to the planning rules directly related to Protected Structures.

The author, having carefully considered this potential line of reasoning, disagrees with it.

It is certainly the case that the mast is located next to several Protected Structures. Perhaps the most notable is Trinity Presbyterian Church directly to the south of the mast.

However, being close to a Protected Structure and actually being part of the curtilage of a Protected Structure are two entirely different scenarios and are dealt with using different planning and development rules and regulations.

Section 57 of the Planning and Development Act applies to Protected Structures (and structures within their curtilage) and it removes the exemption (Class 31 (j)) on which the developers are relying to replace the mast without planning permission.

Section 82 of the Planning and Development is the relevant legislation for dealing with structures that are within an ACA but are not Protected Structures and are not within the curtilage of a Protected Structure.

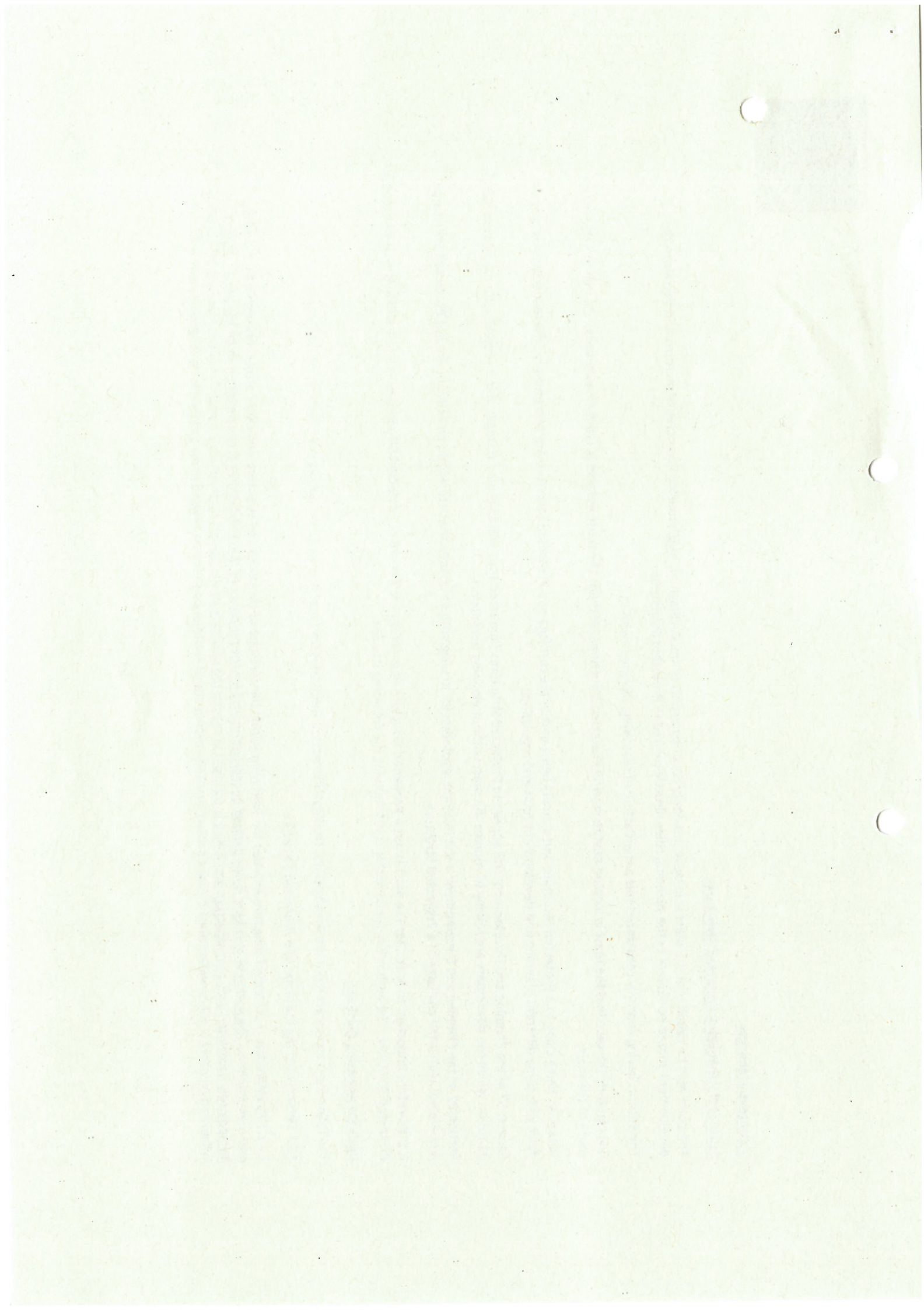
It is therefore important to note that the mast is not a Protected Structure (it is not on the Record of Protected Structures) nor is it within the curtilage of a Protected Structure. The author has reached this conclusion for the following reasons.

Basis for assessing Curtilage

The following is an extract from the Architectural Heritage Protection Guidelines for Local Authorities - passages underlined for emphasis:

13.1 Determining the Curtilage of a Protected Structure

13.1.1 By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of 'curtilage' is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law.



13.1.2 In many cases the curtilage of a protected structure will coincide with the land owned together with it but this is not necessarily so. For example, in the case of a town house, the main house, the area and railings in front of it, cellars below the footpath, the rear garden and mews house may be considered to fall within its curtilage even where the mews house is now in a separate ownership. The planning authority should ensure, in such cases, that all relevant owners and occupiers are notified of the protected status of their structures. In the case of a large country house, the stable buildings, coach houses, walled gardens, lawns, ha-has and the like may all be considered to form part of the curtilage of the building unless they are located at a distance from the main building.

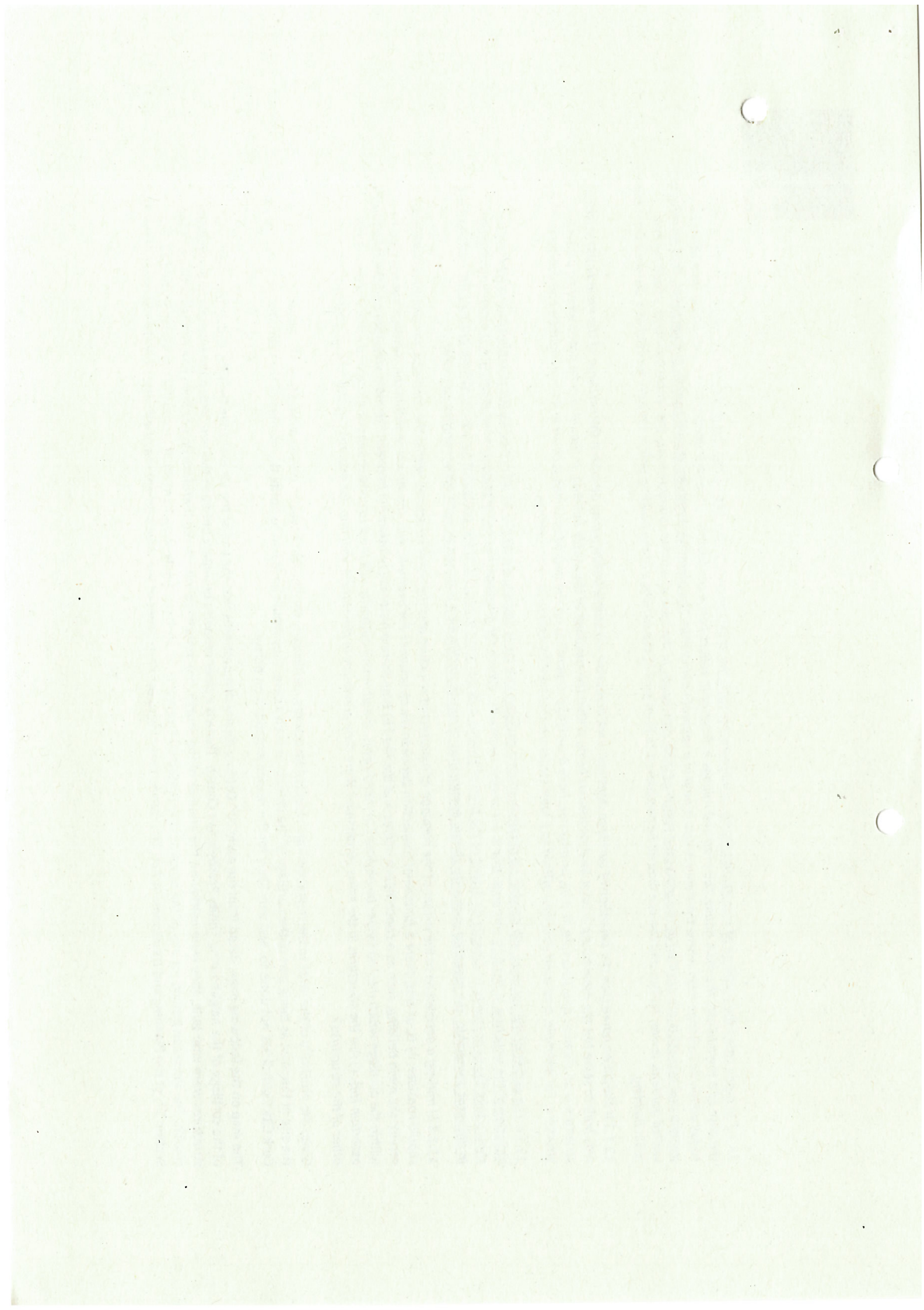
13.1.3 It should be noted that the definition of curtilage does not work in reverse – a stable building may be within the curtilage of the main house which it was built to serve but the main house cannot be described as being within the curtilage of the stable building. It should also be noted where a protected structure is an element of a structure, it may, or may not, have a curtilage depending on the degree to which it could in its own right be considered to be a structure. For example, a re-used doorway affixed to a later structure could not be said to have a curtilage.

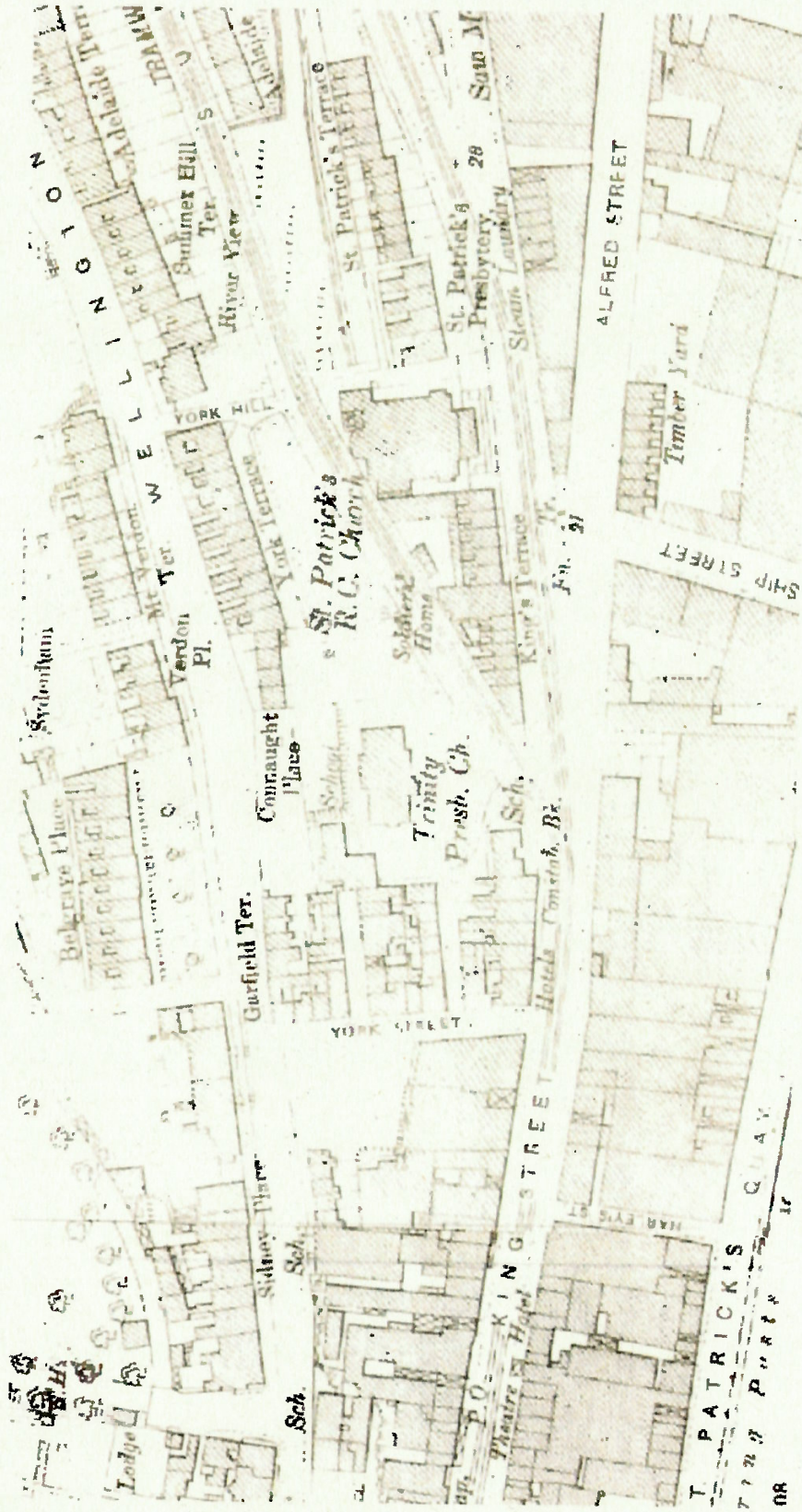
13.1.4 The extent of the curtilage will need to be determined on a case-by-case basis and should ideally be identified by the planning authority prior to inclusion of the structure in the RPS, although this is not always necessary. Where the curtilage has not previously been identified, a planning authority should take the opportunity to identify its extent at the time of making a declaration in respect of the protected structure. Where parts of the curtilage are in different ownership, the planning authority should ensure that separate notification is issued to each owner and/or occupier.

13.1.5 In making a decision as to the extent of the curtilage of a protected structure and the other structures within the curtilage, the planning authority should consider: a) Is, or was, there a functional connection between the structures? For example, was the structure within the curtilage constructed to service the main building, such as a coach-house, stores and the like? b) Was there a historical relationship between the main structure and the structure(s) within the curtilage which may no longer be obvious? In many cases, the planning authority will need to consult historic maps and other documents to ascertain this; c) Are the structures in the same ownership? Were they previously in the same ownership, for example, at the time of construction of one or other of the structures?

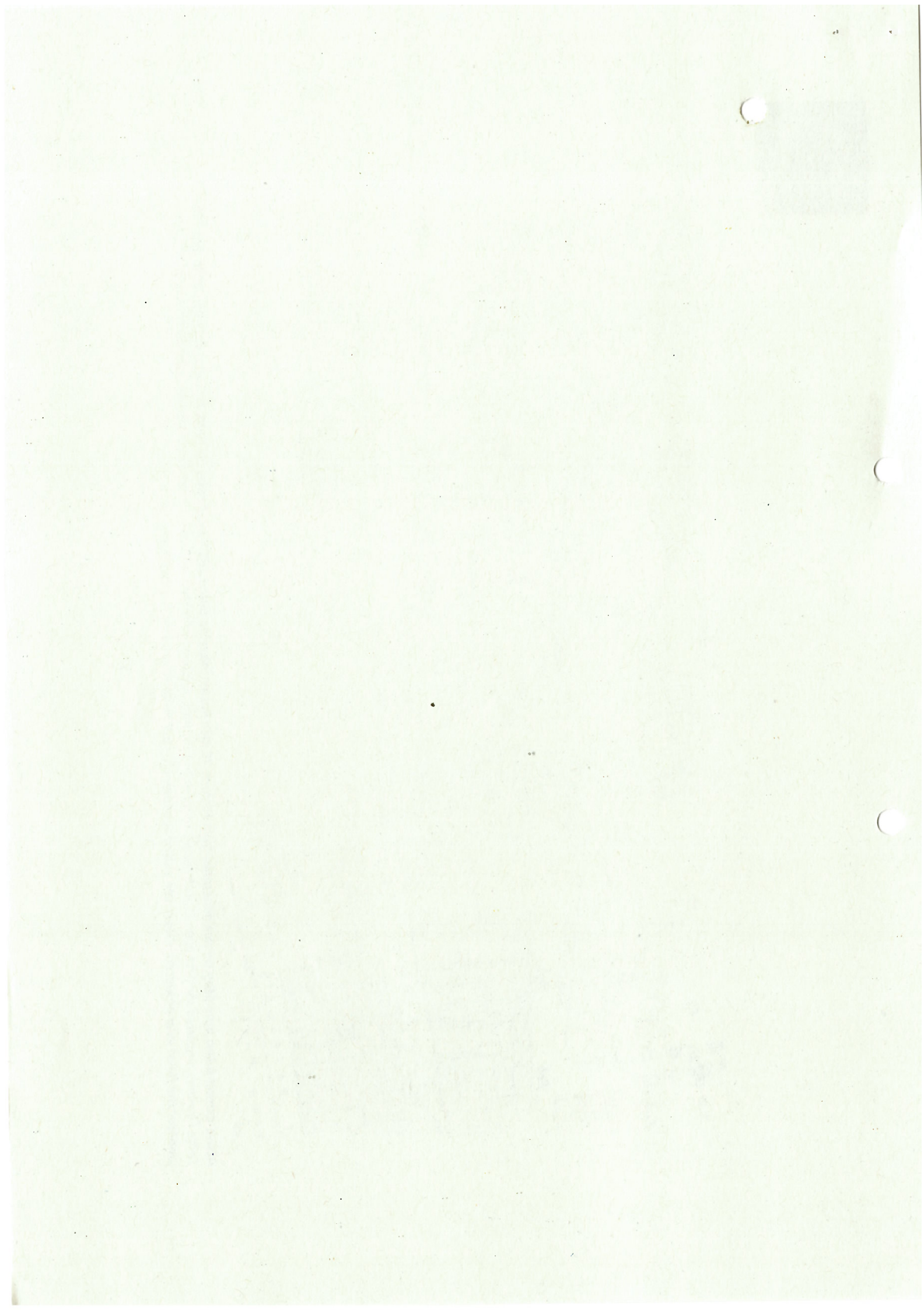
Given the proximity of the mast to the neighbouring Protected Structures, particularly the church, it was an option available to the Planning Authority to list the site of the mast as being part of the curtilage of the church. In such a case, they would have had to notify the owners of the mast that this was the case. Cork City Council has not done so, and very likely for the reason expanded on below.

The map on the following page, dated from the early 20th Century clearly demonstrates that the site of the Eir Exchange building and its mast were not part of the curtilage of the neighbouring Trinity Presbyterian Church. There is a clear property boundary between the two. When the two telecommunication structures were later built, they were neither on the grounds of the church, nor associated with it and therefore do not form part of the curtilage of the church. The same can be said for any of the other nearby Protected Structures. Therefore, the development must be considered under Section 82, not Section 57, of the Planning and Development Act. This means reverting to the core issues of the development materially affecting the character of the ACA.





Above extract taken from Map service generated from Historic 25 inch Raster mapping dated 1897-1913 done by Tailte Éireann. Between 1888 and 1913 Tailte Éireann completed the first ever 25 inch survey of an entire country. Acclaimed for their accuracy, these maps are regarded by cartographers as amongst the finest ever produced. Please see end of document for full Tailte Éireann authorised map.



8. Assessment of the Proposed Replacement Mast

- **Design and Materials:** The proposed replacement mast is similar in materials and design to the existing mast. It is noted that it will be slightly wider than the existing mast, but well within the limits allowed within the conditions and limits of Class 31 (j) of the regulations related to masts. It will also be painted brown to have it visually resemble the existing timber mast, despite it being made of steel.
- **Visual Impact:** The author considers that the photomontages prepared by RME Digital Solutions comparing the proposed mast with the existing mast provide an accurate reflection of how the new mast will compare visually with the existing. It is the author's opinion that one is equally as visually unappealing as the other. They are both telecommunications masts in a residential area, which, in an ideal world, would not be necessary. However, the existing mast is an established feature of the locality, and the similar appearance of the new mast will not appreciably change the visual setting of the ACA. It could not, in the opinion of the author, be said to materially affect the character of the ACA, for the reasons expanded upon throughout this report.
- **Extrapolating from the Existing:** There are many photographs in this report of views towards the Eir Exchange building and mast. It was not possible due to time constraints for the author to prepare photomontages of the new mast for each of these views. However, it is possible to view these photographs and, using the photomontages that have been done, make a reasonable assessment of how the views would be affected. It is the authors considered view as an architect, used to visualising structures, that the impact of the new mast *versus the existing mast* would be negligible on the ACA. It is similar in appearance, no higher, and located within metres of the existing mast. It would be obtuse, in the authors opinion, to say it would radically alter the visual appearance of the ACA, and therefore does not materially affect the character of the ACA.
- **Advantages of the New Mast:** It is the authors understanding from the engineering assessment of the existing mast that it is structurally unsound due to the wood having decayed down through the years. The replacement mast is primarily being installed to avoid the possibility of the existing mast falling down. Not only would this scenario be extremely dangerous from a health and safety perspective, but given the proximity of the fine Protected Structures, particularly the church, it would be prudent from an architectural conservation perspective to remove the possibility of the existing mast falling and causing damage to one or more of these buildings.

9. Conclusion

The Wellington Road/St. Lukes ACA is an attractive, varied urban environment with the unifying architectural feature of its south-facing terraces of houses on its steeply sloping topography. It has accumulated both new architectural styles and engineering infrastructures as it has developed over many decades. The existing telecommunications mast is one of the ACA's most undesirable physical features. It does nothing to add to the visual amenity of the ACA, and in fact, detracts from it. The ACA was designated after its construction *despite* its presence, not because of it.

However, as this report attempts to demonstrate, it far from the only such feature. There are numerous examples of unsightly infrastructure, as the photographs in the report identify.

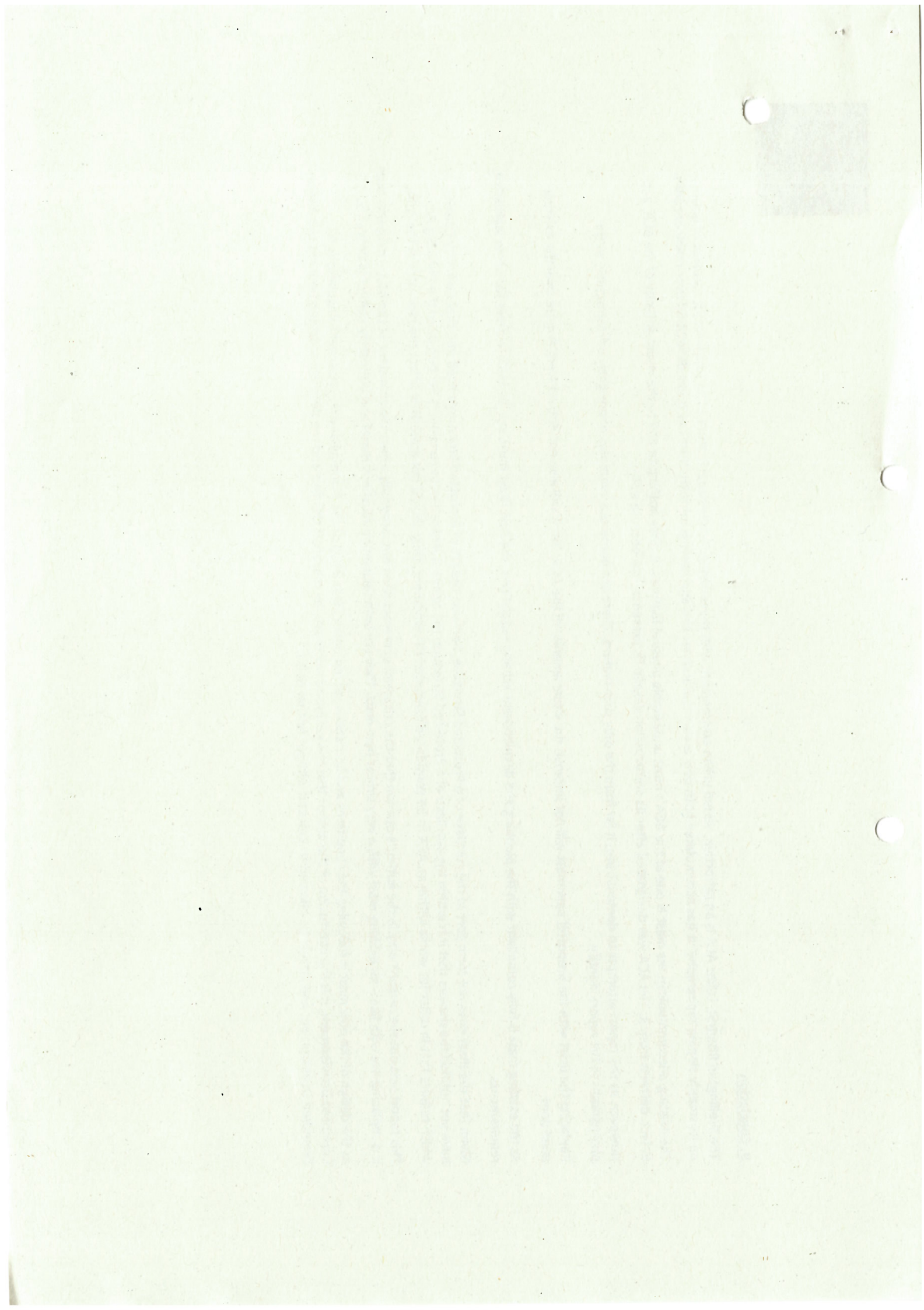
Replacing the mast with the proposed new mast will *not* improve the visual amenity of the ACA. But it will also not detract from it more than the existing mast does.

As the existing mast is fully compliant with the planning and development act and regulations, the new mast must also be built to meet the same legislative requirements.

Given that the mast does not form part of the curtilage of a Protected Structure, nor is on the list of Protected Structures itself and that Cork City Council have not notified the owners that it is within the curtilage of a Protected Structure, the relevant legislation to consider is Section 82 of the Planning Act which require that in order for works within an ACA to be considered Exempted Development, they should not materially affect the character of the ACA.

This report sets out the reasons why in the author's opinion that the proposed new mast does not materially affect the character of the ACA – primarily that it is replacing like with like – an existing mast with a very similar new mast. They are both telecommunications masts and ultimately neither is desirable.

As the design of the new mast is following the conditions and limitations set out under Class 31 (j) of the Planning and Development Regulations for Exempted Development, it is the conclusion of the author that the proposed works are, by reason of this fact and the detailed considerations set out above, Exempted Development and should be allowed to proceed without further delay.



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PUBLISHED:
29/11/2024

ORDER NO.:
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COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
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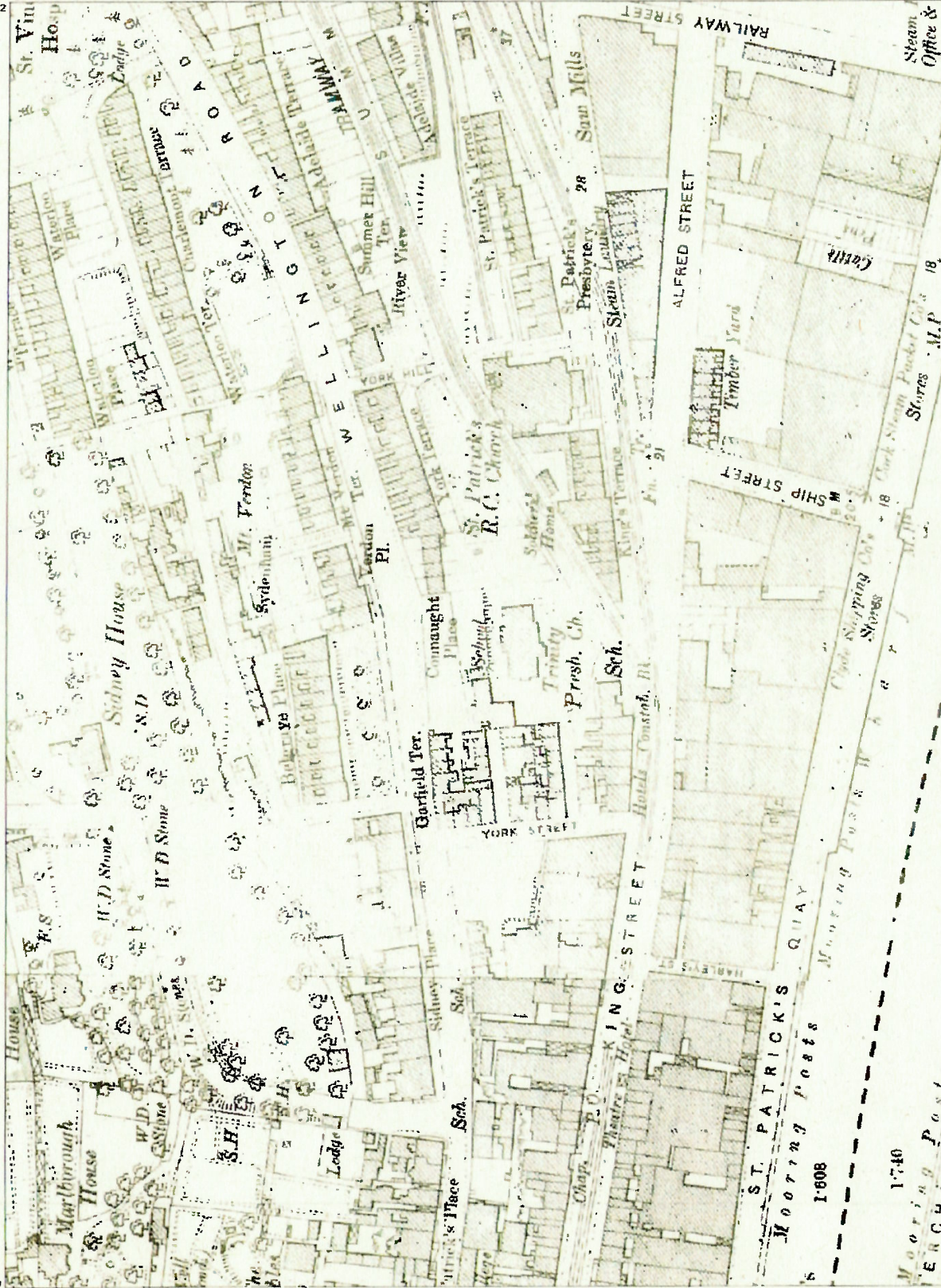
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