

# The Development Plan

## *Architectural Conservation Areas*

### CHAPTER 3



### 3.1 Introduction

- 3.1.1 An architectural conservation area (ACA) is a place, area, group of structures or townscape, taking account of building lines and heights, that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or that contributes to the appreciation of a protected structure, and whose character it is an objective of a development plan to preserve.<sup>1</sup> An area of special planning control (ASPC) is all, or part, of an ACA which a planning authority considers of special importance to, or as respects, the civic life or the architectural, historical, cultural or social character of a city or town in which it is situated.<sup>2</sup> A planning authority recognises, by making provision in the development plan for the protection of these areas, that in many cases, the protection of the architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area.
- 3.1.2 ACA policies should be supported by, and be consistent with, other policies of the development plan especially those relating to development control. An objective to preserve the character of an ACA, once approved by the elected members of a council, carries through from development plan to development plan and remains an objective of the planning authority unless subsequently modified by the members.

- 3.1.3 The legislation relating to ACAs and ASPCs is contained in Chapter II of Part IV of the Planning and Development Act 2000.

### 3.2 Identifying Areas for Protection

- 3.2.1 Although many planning authorities may have designated non-statutory conservation areas prior to the commencement of the 2000 Act, the Act provides that all development plans must now include objectives for preserving the character of ACAs, if there are places, areas, groups of structures or townscape of special interest or which contribute to the appreciation of protected structures, situated within a planning authority's functional area.
- 3.2.2 The character and special interest of many localities within the functional area of a planning authority will suggest themselves as candidate ACAs. These should be carefully assessed. Many planning authorities are already engaged in fruitful participatory processes with community groups and interested parties to devise planning policies for towns, villages and urban areas across the country.
- 3.2.3 ACA legislation may be used to protect the following:
- a) groups of structures of distinctiveness or visual richness or historical importance;



*Historic town or village cores are often appropriate to designation as ACAs*

<sup>1</sup> Section 81, 2000 Act

<sup>2</sup> Section 84 (1), 2000 Act

- b) the setting and exterior appearance of structures that are of special interest, but the interiors of which do not merit protection;
- c) the setting of a protected structure where this is more extensive than its curtilage;
- d) designed landscapes where these contain groups of structures as in, for example, urban parks, the former demesnes of country houses and groupings of archaeological or industrial remains;
- e) groups of structures which form dispersed but unified entities but which are not within the attendant grounds of a single dominant protected structure.

3.2.4 The physical expression of the significance of an area may consist of building lines and heights, patterns of materials, construction systems, or architectural elements that are repeated within the area and give it a sense of harmony, such as the use of timber sash windows in an eighteenth-century streetscape. Alternatively, an area can be an exemplar of a widely dispersed pattern of structures or spaces on a national or international scale, in which case the significance and the basis for its protection is based on the wider ensemble of which it may be a component.



*The survival of distinctive materials and local detailing can add to the character of an ACA including joinery patterns, paving materials and boundary railing styles*

3.2.5 The boundaries of a candidate ACA should make physical, visual and planning-control sense. It may be necessary to refer back to the core characteristics of the area in order to establish the most appropriate boundary lines. The choice of boundary may be influenced by considering the importance of the various views into and out of the area, but it is not necessary to include all territory encompassed by such views. The character of the edges of the area may gradually degenerate in some parts due to dereliction. Whether or not degraded parts should be included may be resolved by reference to the historical research to see if these areas once formed a coherent part of the overall place.



*The boundaries of an ACA should make physical and practical planning sense and may need to be defined with the help of historical research especially in urban areas*

3.2.6 In preparing a draft development plan, a planning authority should evaluate all potential ACAs. These candidate areas should be inspected, and their distinctiveness, significance and special interest evaluated and documented. In some cases, in addition to the planning authority's technical staff, it may be necessary to seek the advice of conservation consultants with a variety of skills, for example, architects, ecologists, landscape designers, engineers, archaeologists or architectural historians.

3.2.7 Historical research may be carried out where this is necessary to justify the designation of an ACA or to clarify specific preservation objectives. This might include documentary or archival research and the study of maps and old photographs. In recent years there has been an increase in the publication of local historical studies. Research of primary sources, however, should be undertaken with clearly defined aims in mind, as there is much material available.

- 3.2.8 The Minister may assist in the identification of these areas when publishing National Inventory of Architectural Heritage (NIAH) surveys or when commenting on draft development plans. Where they have been published, the NIAH town surveys may be used to identify groups of structures that merit protection, in particular groups of buildings given 'local importance' or higher ratings because of their 'streetscape or setting' value.
- 3.2.9 A planning authority should, when reviewing its development plan, take the opportunity to review structures currently in the Record of Protected Structures and determine whether an ACA designation would be a more appropriate form of protection. The exterior appearance of structures can make a contribution to the character of an area. However it may be inappropriate to protect the interiors of some structures, which would happen if they were included in the RPS. On the other hand, an individual structure within a proposed ACA may itself be of special importance. The planning authority should then consider whether it merits inclusion in the RPS, in addition to being included within a designated ACA.
- 3.2.10 It is at the discretion of the planning authority to make the policies to protect these areas appropriate to the particular circumstances. Small areas containing only a few properties might require ACA policies in lieu of inclusion in the RPS. Detailed policies may also be appropriate to provide protection to the setting of a protected structure where there are properties outside its curtilage which have a particularly strong relationship with it. Larger, or more architecturally disparate, areas can be given more general forms of protection. These could include general policies aimed at protecting the integrity of original or traditional styles of windows, doors or roofing materials prevalent in the area, together with more specific policies for sub-areas. Where resources are scarce, policies can be developed, applied and implemented in phases, including ensuring that the character of the whole area is treated as an ensemble from the outset. It should be noted that there are obvious drawbacks to this approach.

### 3.3 Identifying the Character of the Area

#### Categories of Special Interest

- 3.3.1 The categories of special interest in relation to individual structures have been set out in Chapter 2 above. Many of the recommendations and criteria in that chapter regarding the protection of individual structures will also be of relevance to ACAs.

#### Architectural interest

- 3.3.2 Many buildings were consciously designed to contribute visually to the character of their setting, beyond the boundaries of the curtilage on which they were built. They respond to the street, road or landscape in which they are situated. Later rebuildings on a mediaeval curving street, visible perhaps in faceted façades and narrow plots, relate to the communal history of settlement in a town. Subtle repetitive patterns of chimneys, window or door-openings on a street, where traditional construction methods used a shared palette of materials, can give the area character and a sense of scale and harmony. The volume or massing, plot size, boundary alignments and street-frontage alignment of the built environment can be part of the heritage of an urban area.



*Although one or more outstanding buildings may form the nucleus of an ACA, the design and layout of all structures within the area will be important to establishing its special architectural interest*

- 3.3.3 Urban design schemes initiated in the past by civic authorities or landlords, aimed to present a more fashionable or coherent appearance to towns or villages, often to stimulate economic growth. Often a street grid was laid out in advance of development. Occasionally leases stipulated building heights and other details, although construction may have taken at least a generation to complete. The result may be an architecturally impressive townscape in one or more styles or a picturesque 'designed' village, such as Dunmore East, Co. Waterford. Demesnes were also laid out or 'improved' with vistas, follies, eye-catchers and water features in the styles of the day. The nineteenth-century urban cemeteries benefited from a designed approach, as each was laid out and landscaped with an eye to its visual impression, with avenues, stands of yews and vistas terminated by landmark chapels or monuments.



*Local authorities and private land owners often instigated urban improvement schemes such as the creation of streets, town parks or garden suburbs which can be of special architectural interest*

- Historical interest**
- 3.3.4 The plan of plots, boundaries and streets in towns and cities contain a record of past urban life, frequently inscribed in structures that have endured through time. The historic urban townscape is vital to the setting of prominent civic structures such as

courthouses, cathedrals, museums or railway stations. The survival above ground of urban defences (town and city walls), in whatever condition, can be one of the most important defining characteristics of a historic place. Urban design elements such as nodal or radial street patterns, squares, market places and surviving mediaeval burgage plots also contribute to the historical character of a town.



*The historic urban plan form can be an important defining characteristic of a place. In both these examples, buildings have been built upon, or incorporate parts of, mediaeval town defences thus preserving the line of the earlier structures within the modern day street pattern*



- 3.3.5 In a rural area the lack of change can constitute the historical interest of a place, as it may clearly show its particular character unmediated by subsequent alterations. Here too the historical layout and relationship of structures to each other may be of equal importance to the intrinsic architectural or social character of each, or may be vital to an appreciation of a protected structure which is central to the area. A large-scale purpose-built complex of structures, such as the ruins of Crinkill Barracks outside Birr, Co. Offaly, can be of socio-historical interest.



*In rural areas, former settlements or groups of buildings can survive substantially intact thus adding to the special historical interest of the area*

### Archaeological interest

3.3.6 The retention of archaeological deposits in situ, with targeted excavation and conservation projects, is recognised as an important strategy for securing more knowledge about the past. In urban areas, this consideration may inform a conservation strategy for the standing structures above. An ACA may coincide with a zone of archaeological potential or an archaeological area. In these cases, care should be taken to ensure that the conservation policies adopted successfully mediate between the different pressures and requirements of both the above-ground and below-ground structures. It often transpires that structures which have been substantially rebuilt above ground retain their mediaeval basements, as for example in the historic centre of Kilkenny. The recognition of such fabric, especially within an area which retains its burgage plots or defensive structures, may be vital to gaining an understanding of the archaeological character of the area.



*An ACA may be designated for its special archaeological interest where upstanding archaeological remains survive and such an area may therefore overlap or coincide with statutory protection under the National Monuments Acts*



### Artistic interest

3.3.7 The consistent use of crafted materials, such as paving or walling in local styles or materials, can contribute to the special artistic interest of an area, for example the use of Moher 'slate' roofs in Ennistymon. Styles of decoration such as moulded terracotta embellishments can be very characteristic of late nineteenth-century terraces.



*Conscious artistic input can bring special interest to otherwise ordinary structural elements such as slate-hanging, brickwork, chimneystacks or shopfronts within an area*

3.3.8 Public sculpture, utilities or memorials, as well as being works of art in their own right, can be the artistic focus of a public space which has been formally designed to present them. A formally laid out landscape or townscape could also be of artistic interest. This may include the radial streets or avenues on the baroque model which set up vistas of important structures within an area such as in the layout of the village of Portlawn, Co. Waterford.



*The formal garden at Heywood, Co. Laois is a work of art by an outstanding architect, Edwin Lutyens. Many well-designed memorials, gardens and public spaces are of artistic interest whether or not their designer is known*

### Cultural interest

3.3.9 Public spaces may facilitate particular forms of behaviour. These include the spaces formed to facilitate markets, fairs, outdoor theatre or communal celebrations. Areas of towns and cities may, over time, have become a focus for culture, where

adjacent parks, libraries, colleges and museums prompt a convergence of informal as well as formal cultural activities within and around the buildings and spaces, as at Trinity College Dublin.



*Cultural activities based in or around architecturally significant buildings or spaces such as market squares can contribute to the special interest of an area*

### Scientific interest

3.3.10 Geophysical or astronomical alignments in a landscape may be the intentional work of past designers. The curtilage or attendant grounds of a structure within an ACA may comprise living elements that form a habitat or an ecosystem that creates a spatial enclosure and a habitable or pleasing environment, as at Garinish Island, Co. Cork. Botanical gardens, whether in private or public ownership, are also examples of places where structures and landscaping form habitats for exotic plant species.



*The special scientific interest of an area may arise from the presence of important natural habitats or geographical features (top), from its connection with scientific research or as the location of a collection of scientific interest such as a botanical garden (bottom)*

### Technical interest

3.3.11 An industrial-heritage landscape related to mine-working, chemical extraction or milling can be of special technical interest. The industrial landscape of the Bridge End of Ramelton, Co. Donegal was host to a linen-works, flour-mill and iodine plant and could be said to be of technical interest for that reason.



*The special technical interest of an area may derive from its association with industrial heritage areas or landscapes such as harbours, ports, railways and canals*

3.3.12 At Portlawn, Co. Waterford, a town designed around the production of cotton, the landscape of the vicinity of the industrial site was moulded by its processes. There are weirs, mill-races, a tailings pond and a canal. In contrast, the industrial heritage of Monivea, Co. Galway is now evident mainly from the wide village green, which was created as a flax-drying green in the late eighteenth century, laid out on axis with the castle entrance.



*These mill buildings at Slane Bridge are of outstanding importance as an example of an early purpose-built industrial complex dating from the start of the Industrial Revolution*

**Social interest**

3.3.13 Special social interest may be found in town parks and communal greens laid out with trees, benches and water fountains, and often sited especially to improve the surroundings of urban dwellers. A 'new town' suburb, such as New Tipperary, may be of social interest due to its origins for housing workers of a particular industry or as a slum resettlement programme. Rural 'clachan' settlements may be of social interest. These settlements are usually characterised by irregularly juxtaposed dwellings and outbuildings, often without formal streets or alleys between, and with an integral link to the land historically farmed in rundale strips.



*Special social interest in an area may be attributed to sites of religious significance and places of pilgrimage such as holy wells or holy trees (top). Public spaces of social interest may be centred around surviving historic features such as horse troughs (bottom)*



### 3.4 Setting and Architectural Conservation Areas

- 3.4.1 The influence of the setting of groups of structures on the character of the group or the wider area should be considered when identifying this character. The topography of an area, natural features such as woodlands and aesthetically important vistas to and from the area, can all be aspects of the setting.



*The setting of an area, together with views in and out of it, can contribute greatly to its overall character and should always be considered when assessing its importance*

- 3.4.2 The contribution of setting to the character of the architectural heritage should not be underestimated. A building in a rural setting may have a different, but equally noteworthy, relationship with its surroundings from that of a building in an urban place. The location of a structure may have been designed to relate to a particular landscape feature, as, for example, in the way that Powerscourt House relates to the Sugarloaf Mountain. Follies, eye-catchers, gazebos and towers were all usually positioned and designed to enhance their setting or the designed landscape in which they are situated. The attendant grounds around a country house were often moulded into a coherent landscaped entity in accordance with current aesthetic and economic ideas.

- 3.4.3 In addition, or as an alternative to protecting such groups of structures as an ACA, the planning authority could consider employing other types of protection such as including objectives in the development plan to preserve a view or prospect. This would be recommended where it is necessary to preserve a long-distance designed vista between structures or features such as at the Conolly Folly at Maynooth, which was designed to be visible from Castletown House although located several kilometres apart.



*Protecting views to and from important structures within an ACA should be considered when drawing up objectives for the area*

### 3.5 Public Consultation

- 3.5.1 There is no requirement under the Act to notify individual owners or occupiers of lands in an ACA of the designation of the area. However, the success of the planning authority's objectives to preserve the character of these areas will often depend to a large extent on public knowledge and broad acceptance of those objectives. The planning authority should consider involving interested parties in drawing up these objectives and should publicise any special requirements or policies it intends to implement in order for development control policies to be effective. Such an approach is particularly important as the owners and occupiers of property in an ACA are not entitled to a declaration under Section 57 of the Act (unless, of course, the structure is a protected structure in addition to being located within the ACA).
- 3.5.2 It is recommended that a planning authority consult with the owners and occupiers on the proposed designation at an early stage, and consider (i) holding public meetings and workshops, (ii) publishing newspaper notices of its intentions, and (iii) distributing leaflets to all properties in the area.

Such leaflets could communicate the assessment of the significance of the area mentioned above, including:

- a) why the area has been selected as an ACA;
- b) what is its history and special features;
- c) an explanation of the statutory protection proposed;
- d) what measures may be taken to protect the character, such as expanding the new limitations to exempted development;
- e) how individual property owners and occupiers can help protect its character by diligent and timely maintenance;
- f) examples of good conservation practice locally;
- g) any financial assistance the planning authority may be able to offer;
- h) where advice and further information is available.

3.5.3 Almost inevitably the public consultation process will not engage all of those with a stake in the future of the place (not all owners will reside within the area). If it appears that a structure of some importance within the area is vacant, and perhaps deteriorating, it may be worthwhile making reasonable efforts to find the owner and inform him or her of the proposed designation.

3.5.4 The planning authority may take account of initiatives to identify ACAs made both by owners and occupiers of an area themselves and by third parties, such as community groups and the prescribed bodies.

### 3.6 Architectural Conservation Areas and the Development Plan

#### The development plan

3.6.1 The designation of an ACA takes place as part of the making or the review of a development plan or as a variation to an existing development plan. The extent, special interest and a description of the character of an ACA should be identified in the relevant development plan. If all or part of the area is covered by a local area plan, it should also be set out in the appropriate county, town, borough or city development plan. This should be in the form of a map delineating the area and a concise description of its features of interest and the architectural patterns and details to be found in the area. It should contain a statement of the objective to preserve its character.

3.6.2 The formulation of ACA policies can be incorporated into a development plan by means of variations of the plan. Where a report is prepared in relation to the inclusion of an ACA in the draft or varied plan, it should aim to include the following information:

- a) a statement of the objectives and policies of the planning authority in relation to the preservation of the character of the area;
- b) a map showing the relevant boundaries of the area;
- c) a written description of the character of the area and its main places or spaces, to include a description of the special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest of the area, as appropriate, which gave rise to its selection;
- d) an annotated photographic record of the general character of the area, including streetscapes and landscapes, where this would assist to describe the area;
- e) a comprehensive annotated photographic record of the exteriors of all structures in the area visible from areas to which the public have access;
- f) if appropriate, a written description of the materials and construction techniques of the structures and surfaces which contribute to the character of the area, augmented by illustrations where appropriate, and
- g) the additional development control policies relevant to the area, including any other statutory designations or policy objectives

3.6.3 Where possible, an inventory of the exterior of the structures, and of features of the area should be carried out when it is being defined, as it is a useful tool for the management of an ACA. Where it is not possible to compile an inventory at that time, it should be an objective of the planning authority to undertake one at a later time.

#### Written description

3.6.4 The written description of the character of the ACA referred to above may address some or all of the following as appropriate:

- a) the location of the area, including its relation to its surroundings, noting any important views or vistas and topographical features which help to define it;
- b) the history of the area, when it was developed

- or laid out and by whom, whether it was formed as a single project or was developed over time;
- c) the form and arrangement of public and open space, street pattern and property divisions including streets or squares, described in terms of the architectural style, homogeneity of the building type (if appropriate), the physical form of the space, its dimensions and interconnection to other spaces, and its relationship to privately owned property. For example, there may be networks of public steps and laneways accessed under carriage arches;
  - d) reference to distinctive streetscapes and views that are of special interest, including landmarks such as strategically sited buildings, monuments or memorials, architectural or design features including any terraces or groups of buildings forming subsidiary elements or spaces, or infrastructural elements such as railways or canals that are significant either historically or visually;
  - e) the range and intensity of its current socio-economic functions, mentioning how the economic functions contribute to, or detract from, its character;
  - f) the condition of the existing fabric and the degree to which the age or type of the materials of a structure contributes to the character of the area;
  - g) a schedule of the protected structures and recorded monuments located in the area and their contribution to its character;
  - h) trees, watercourses and open space, in both public and private ownership and their contribution to its character;
  - i) street furniture and fixtures in public spaces and historic features that survive, and their date;
  - j) the predominant surface materials of the ground plane, such as paving or kerbstones, and the main construction or cladding materials of the structures that enclose significant spaces;
  - k) features that detract from the character of the area, where the integrity of the area has been compromised by demolition of historic fabric or by development inappropriate to its character;
  - l) non-physical characteristics of the public spaces, such as the association of the area with a particular economic, social or cultural activity, relative freedom from (or vulnerability to) vehicular traffic, absence of noise, human scale, uniqueness.

3.6.5 Consideration should be given in the description not only to the façades and frontages of buildings facing the major thoroughfares, but also to the roofscape, side streets and lanes, and the rear appearance of buildings, including characteristics of their plots such as mews buildings, which may also contribute to the character of the area.

#### Illustrations

3.6.6 Visual material can often describe the general characteristics of an area more succinctly than a written description. Maps, photographs, diagrams and drawings can be used in conjunction with the written statement. Maps should show the boundaries of the ACA and sub-areas within it that are subject to specific detailed policy objectives. Significant features and structures and zoning provisions may also be indicated through illustrations. Photographs can be used to identify typical elements and the general quality of streetscapes or settings. Systematic photography of structures that contribute to the character of the area can most definitively describe the visual aspects of character and set out baseline information about the actual condition of structures at the time when protection commences. Photographs of significant views into and out of the area should be included where relevant.

3.6.7 The boundaries of the area should be clearly marked on the most up-to-date map available. In urban areas, this should be at a scale of 1:1,000 or 1:2,500 as appropriate. The information should be checked on the ground and take cognisance of well-recognised existing geographical boundaries. It is generally preferable for the boundary of an ACA to coincide with the rear boundary of properties in urban areas. The buildings, boundary walls and space enclosed by the street or road would then be included in the area.

#### Interaction with other forms of statutory protection

3.6.8 Other forms of protection of the environment that affect the ACA should be noted in the written description. These include protection under the National Monuments Acts of zones of archaeological potential and the location of sites included in the Record of Monuments and Places. Protection of the natural heritage may include Special Areas of Conservation, Natural Heritage Area designations, landscape conservation areas and tree preservation orders.

### Zoning and land use

3.6.9 The social and economic functions that are catered for in the area or in its vicinity may influence its character. The functional zoning and other objectives in the development plan should be examined to check if they would conflict with the objective to protect the character of the area and its surroundings, for example removing any obsolete area designations. If there is potential conflict between the existing fabric whose character is worthy of protection and potential inappropriate use proposals, modifications to the zoning provisions may be necessary. Planning authorities should try to develop zoning objectives which will support the ACA by encouraging the types of economic and social uses that will benefit from being in this location and benefit the area generally. Specific policies, such as financial support for restoration of character, may be devised to anticipate and overcome any problems. The provision of a zoning and land-use policy for the conservation of the character of the area should lead to the protection of this character, and prevent the degradation of its visual amenity or economic value. It might be appropriate to constrict 'open for consideration' uses or expand them to target more directly the social or economic character of the area.

### 3.7 Development Control in Architectural Conservation Areas

3.7.1 In an ACA, the carrying out of works to the exterior of a structure will be exempted development only if those works would not materially affect the character of the area. This is in addition to the requirement under Section 4 (1) (h) of the Act that for works to be exempted, they must be consistent with the appearance of the structure itself and neighbouring structures. For example, the construction of a small house-extension within an ACA may require planning permission, although it may be exempted development elsewhere.<sup>3</sup> If the particular character of the ACA is described in the development plan, works to a structure that would affect that character can require planning permission.

3.7.2 The inclusion of policies and development control objectives for an ACA in the development plan would familiarise owners and occupiers of buildings, and other interested parties, with the measures the planning authority will use to assess impacts to the particular features that give rise to the special character of the area.

3.7.3 The processes of change – development, dereliction or widespread replacement of original elements or finishes – that may pose a threat to the character of the area should be clearly analysed and documented. Indeed the very elements that characterise the area may make it vulnerable. This may be the case with an industrial town in which the traditional industries have closed or a rural village where the traditional houses are now seen as too small for modern use. From this, future development issues that will affect structures in the area can be more easily identified and its socio-economic needs addressed in a way that would not adversely affect its character. In a particular area where plots to the rear of buildings have been subject to periodic redevelopment and are no longer of special interest, the objectives of the ACA may only apply to the frontage including the ridge line and chimney stacks. Clearly, it is most satisfactory if the necessary objectives are developed in conjunction with the initial stages of developing an ACA. If they are not, it should be done as soon as possible thereafter and inserted as a variation into the development plan. Unless acceptable parameters of development are set as objectives, it may be difficult to ensure that all permitted proposals comply with the character of the area in their nature, extent and details.

3.7.4 Written development objectives could make clear recommendations in relation to some or all of the following as appropriate:

- a) views and prospects to be preserved and any consequent restrictions on building lines and heights and other development parameters where the construction of new structures is permitted within the ACA;
- b) appropriate standards of maintenance and repair works;
- c) criteria for assessing proposals for demolition of structures or parts of structures;
- d) criteria for the design and location of advertising hoardings, signage, awnings, canopies, flagpoles, banners, satellite dishes, masts and pylons,

<sup>3</sup> Section 82 (1), 2000 Act

- floodlighting, CCTV cameras and other building attachments;
- e) private car parking, for example, policies regarding the conversion of front gardens for use as off-street parking, and design of on-street parking bays;
  - f) the policy of the planning authority in relation to enforcement and restoration of character in the area;
  - g) detailed objectives in relation to sub-areas within the ACA;
  - h) the acceptability of amalgamation of plots, including where there are no externally visible effects;
  - i) where a burial ground is an ACA, stipulations regarding the form and materials to be used for new memorials;
  - j) interrelation between this and other forms of protection, for example, tree preservation orders;
  - k) design guidelines for sub-areas or particular sites including the architectural patterns that should be respected (for example, window/wall ratios, plot divisions, roof design and provision of machinery on roofs);
  - l) the range of acceptable plot ratios;
  - m) acceptable materials and finishes for new development (for example, wall surfaces or window-frame material);
  - n) where new construction may be permitted, especially in rural ACAs, and
  - o) environmental issues arising from new construction or management of the public realm (such as waste disposal arrangements).

3.7.5 A planning authority may also wish to indicate standards of documentation for planning applications and any additional types of condition which it may consider appropriate to attach to a condition of permission in an ACA. For example, a landscape management plan or character impact statement taking into account the objectives for preservation of the character of the area may be requested as part of an application.

### 3.8 Features and Structures Detrimental to the Character of the Area

3.8.1 An ACA will not necessarily be of uniform character, nor its built fabric be found, or continue to be, in good condition. Where it is possible to identify them, structures or features that detract from the

character of the area should also be noted. This could include buildings or derelict sites that have a clearly detrimental effect on the character of the area. Other aspects of an area which detract from its character could include excessive traffic or intrusive traffic signage, advertising hoarding, inappropriate replacement windows and the like. The planning authority should consider the appropriate steps open to them to minimise or avoid these. Policies or objectives could be adopted for the replacement of structures or features that are unacceptably intrusive, where their replacement or substantial alteration would improve the character of the area as a whole.



*Policies on traffic control and car-parking can affect the character of an ACA*



*Inappropriate small-scale alterations may gradually make a significant impact on an area and erode its character*

### 3.9 Design Briefs for Sites or Sub-Areas

3.9.1 While the design of new buildings can, and should, be controlled under general planning authority powers, design briefs for appropriate sites can form part of the policy for the preservation of the character of an area. Design briefs may be appropriate for sites or structures that have been identified as needing new economic functions, or which do not contribute to the character of the area and for which partial or complete redevelopment would be acceptable. It is also

possible to identify green- or brown-field sites that should, if developed, harmonise with the character of the area and where design guidelines could mould the architectural and urban form. Suggested uses for these sites could be set out. In general, and in order to avoid prescriptive design solutions, these should be in written form and only illustrated with a map to indicate the site or area to which they relate.

### 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area

#### Proposals for new development

- 3.10.1 When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character. In certain circumstances, it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area.



*The construction of new buildings of a high quality contemporary design within a historic area can be successfully achieved*

#### Proposals for demolition

- 3.10.2 Where it is proposed to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus should be on the applicant to make the case for demolition. The planning authority should consider the effect both on the character of the area and on any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.
- 3.10.3 The applicant and the planning authority should consider the material effect that that proposed demolition may have on the character of the ACA:
- Does the structure (or part of the structure) to be demolished contribute to the character of the area?
  - What effect would removal of the structure have on the setting of other structures in the area, the balance of an architectural composition or the setting of any adjacent protected structures?
  - Would the character and special interest of the whole of the structure or of the ACA be diminished by the demolition of a part?
  - Has the extent and potential impact of the proposed demolition been minimised?
  - Are there alternatives to demolition, even where the structure is in poor condition?
  - In the case of accidental damage, could demolition be avoided and the structure saved by carrying out repairs or providing temporary support or shelter to the fabric?
  - Is partial demolition justifiable in the interests of the retention of the remainder of the structure?
  - If the special interest of the structure lies in its largely unaltered state, could permission be given to demolish any part of it without damaging that special interest?
  - Has the incorporation of the structure (or part of the structure) into a new development on the site been given adequate consideration?
  - What are the merits of alternative proposals for the site, taking into consideration the development plan objective to conserve the character of the area?

**Proposals for retention**

- 3.10.4 Proposals for retention permission in an ACA should be considered as any other application. Applications for the retention of a development that conflicts with any policies for the area or that would set an undesirable precedent might be made acceptable by imposition of conditions or by requiring the removal and/or replacement of certain elements or details. In such cases the applicant could be asked to submit a visual impact assessment or to revise the proposal in full or with regard to specific details. If it is decided to refuse the retention of significant replacement elements such as windows or doors, it is important that enforcement action be undertaken.

**3.11 Management of Architectural Conservation Areas**

- 3.11.1 The planning authority should consider taking an active approach to the conservation and management of ACA, in particular through works carried out by the planning authority itself and by public utilities. Consideration should be given as to how to manage infrastructural developments, street or road openings. The location and form of street furniture such as telephone kiosks, bus stops, street lights, traffic signage, street nameplates, together with any proposed alteration to existing historic furniture, have the potential to impact upon the character of the area, as does the location of power and telephone cables. Paving should be carefully considered, in particular where good examples of stone paving and kerbstones exist in situ. Wider issues such as road-widening, bypasses and other large-scale infrastructural developments adjacent to an ACA may also have an impact on its character or patterns of use.



*Care should be taken within an ACA regarding the siting of structures related to public utilities and traffic management*

- 3.11.2 The following actions, to be undertaken by the planning authority itself, could be included in the policy objectives of the development plan that relate to an ACA. The planning authority may:

- a) set out local authority priority projects, including strategic management plans, for the preservation or improvement of streetscape or landscape (as the case may be) in the area;
- b) programme and co-ordinate works to minimise temporary disruption and permanent impact;
- c) identify property in the ACA that may merit acquisition and conservation to maintain the area's character;
- d) set out objectives regarding traffic management and placement of street furniture;



*Traffic management projects should aim to present the area to its best advantage whilst providing a service to both inhabitants and visitors*

- e) set out objectives regarding licences issued for appliances and service cables, etc. on public roads;
- f) set out objectives regarding pavement and road-surfacing materials that are compatible with the character of the area and support its functional requirements;
- g) set out objectives on the nature and size of commercial and road signage (including, if necessary, limitations on size, location, materials and method of illumination), and signage identifying the ACA, as such at the entry points;
- h) set out the requirements for the conservation of the living components of designed landscapes that form part of the ACA, such as trees and other planting;
- i) set out objectives for the mitigating the visual impact of waste disposal bins which need to be sited near or fronting important structures or spaces;



*Consideration should be given to the storage of waste disposal bins as these can have a large visual impact on an area*

- j) set out policies for the use of notices with respect to dangerous structures or derelict sites issued under the Local Government (Sanitary Services) Act 1964 or the Derelict Sites Act 1990.

### 3.12 Integration with Other Forms of Protection

3.12.1 Planning authorities could consider the use of other forms of conservation designation in parallel to an ACA. For example, a rural ACA could be supplemented through the development plan by objectives to preserve the character of the landscape, including views and prospects, or in a demesne, woodland or designed landscape. The use of tree preservation orders may be considered.

3.12.2 Other forms of legislation may be applicable. All or part of the area could be protected under the National Monuments Acts. It may also happen that the area or part of it is protected under the Wildlife Acts. Where several designations exist or are proposed for the one area, care should be taken to ensure coherence between all conservation objectives.

3.12.3 Where there are multiple dimensions to the heritage, the planning authority could consider including a conservation plan or conservation statement in the development plan which would encompass all the heritage values present in the area that should be conserved. A conservation plan explains the significance of the site, identifies threats, both direct and indirect, to the heritage and sets out policies for retaining the significance in any new use, management regime or alteration of the site. It should be carried out at the assessment stage of a management plan, as it takes the future protection of the special interest of the site as its starting point. A conservation statement is a short statement of what is on the site, why it is important, what issues need to be addressed to conserve the various heritage features, and what needs to be done as a result.

### 3.13 Areas of Special Planning Control

#### Designation

3.13.1 The Act provides powers to planning authorities not only to conserve the character of certain areas but also, in urban areas of special importance, to enhance that character; that is, to restore it and to require owners and occupiers to conform to a planning scheme.<sup>4</sup> The area must be all or part of an ACA of special importance to the civic life of the city or town or to the architectural, historical, cultural or social character of the town or city in which it is situated. The designation of an area of special planning control may only be applied in cities or larger towns, that is, in county boroughs, boroughs, urban districts or towns having town commissioners that have a population in excess of 2,000.<sup>5</sup>



*Areas of architectural heritage significance may coincide or overlap with those of natural heritage importance. In the case of this demesne, the trees of the estate are subject to a tree preservation order*

<sup>4</sup> Section 84, 2000 Act

<sup>5</sup> Section 84(6), 2000 Act

As designation of an ASPC has the potential to impose considerable burdens on the owners and occupiers of buildings in the area and allows for compensation to those persons, the designation of an ASPC would generally only be suitable in very particular circumstances.

#### Objectives

- 3.13.2 It is envisaged that the planning authority would take a proactive approach toward conservation and enhancement within an Area of Special Planning Control. The scheme may include objectives to promote civic amenity and design, to upgrade the area or buildings within it, to maintain and repair buildings and develop sites. A number of possible objectives are listed under Section 84 (2) of the Act. As well as promoting one or more new uses, existing uses within the area can be controlled or the scheme can indicate that the continuance of an existing use would be inappropriate in the area. More detailed control of works can be part of the scheme for the area; for example, control of the use or quality of building materials.

#### Notification to owners and occupiers

- 3.13.3 As the legislation envisages that the designation of an ASPC would have a substantial impact on the owners of property within it, they must be individually notified and consulted on the proposal. The contents of this notice are prescribed under Section 85 (3) (b). Owners and occupiers can seek a declaration under Section 87 (3) which would specify the impact of the designation on them and the measures that they will have to take to comply with the scheme. Where the restoration objective being formulated by the planning authority affects only a small number of owners or occupiers, and it is not appropriate to designate an ASPC, it may be appropriate to negotiate directly with those owners and occupiers on conserving or restoring their properties.

#### Notification to prescribed bodies and the public

- 3.13.4 Section 85 of the Act requires a planning authority which has passed a resolution to designate an ASPC to notify that fact in writing to the Minister, the Heritage Council, An Taisce, the Arts Council, Bord Fáilte and the appropriate chamber of commerce.<sup>6</sup> The planning authority must also notify An Bord Pleanála.<sup>7</sup> The notification must be accompanied by copies of the scheme.

- 3.13.5 A notice of the preparation of the scheme must be published in one or more newspapers circulating within the city or town concerned, indicating where and when details of the scheme can be examined and inviting submissions or observations.

#### Review of schemes for areas of special planning control

- 3.13.6 A planning authority is obliged to review its scheme for an ASPC as circumstances require but not later than six years after its first approval or its latest review. The scheme can then be amended or revoked and the decision published in a newspaper notice.

<sup>6</sup> Article 55, 2001 Regulations

<sup>7</sup> Section 85 (2) (a), 2000 Act

Table III An Outline of Designation Procedures for Architectural Conservation Areas

**1. Identify potential ACAs within the planning authority area**

Possible sources include

- > Research using old and current maps, photographs and/or documentary sources
- > NIAH surveys, if available
- > Planning authority's own surveys
- > Local surveys or local historical studies
- > Submissions from interested parties

See 3.2

**2. Evaluate the special interest of the potential ACA**

- > Inspect the extent of the area
- > Establish the boundaries of the area to coincide, where possible, with existing physical and/or visual boundaries
- > Identify the character of the area
- > Note buildings of particular significance to the character of the area
- > Note also important streetscapes, vistas, planting and the like
- > Note the influence of setting on the area, including views in and out of it
- > Identify those parts of the area that detract from its character and special interest

See  
3.2 - 3.4**3. Establish policies and objectives for the area**

- > Undertake a photographic survey of the area
- > If appropriate, carry out an architectural inventory of the structures and features within the area
- > Write a description and appraisal of the area explaining its character and special interest
- > Write policies and objectives for preserving the character of the area
- > Review the status of protected structures within the area
- > Ensure the objectives of the ACA do not conflict with other objectives such as zoning or with other statutory designations

See  
3.5 and 3.6**4. Designate the ACA using the procedures of**

- > Section 12 when making the development plan
- > Section 13 as a variation of the development plan

**5. Procedures**

- > Send notice to the Minister, the other prescribed bodies and those bodies specified in the Act
- > Advertise preparation of draft plan, or draft variation, in the press
- > Display draft plan, or draft variation, which includes proposed ACA
- > Receive comments, prepare Manager's Report and present to council members
- > Members accept or amend the plan, or variation, which includes the proposed ACA
- > Advertise and display amendments if material alterations are to be made
- > Members make final decision on adopting the development plan, or the variation
- > Publicise the final decision of the planning authority, as appropriate
- > ACA designation carries through to next development plan unless modified by the members

See S. 12  
and  
S. 13 of the  
2000 Act