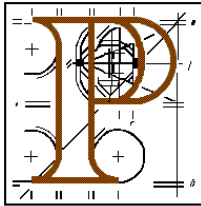


## An Bord Pleanála



### INSPECTOR'S REPORT

**DEVELOPMENT:** Demolition of existing sunroom over garage extension, construction of a two-storey over garage extension, 2 no. replacement dormer windows, alterations to fenestration and upgrading of main house

**LOCATION:** 2 Vico Terrace, Vico Road, Dalkey, Co. Dublin

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire Rathdown County Council

**Planning Authority Reg. Ref.:** D14A/0733

**Applicant:** John Power

**Type of Application:** Permission

**Planning Authority Decision:** Grant

### PLANNING APPEAL

**Appellant:** (1) Jack Coffey, Liam McDonnell and Mary Rose Molloy  
(2) P. and M. Crowe and Elizabeth Purcell

**Type of Appeal:** Third Party

**Observers:** None

**DATE OF SITE INSPECTION:** 27<sup>th</sup> April 2015

**INSPECTOR:** Mary Crowley

## 1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site with a stated area of 0.0443 ha is located on the south (seaward) side of Vico Road in the Dublin suburb of Dalkey. Vico Terrace consists of a pair of semi-detached houses, built in the mid-19<sup>th</sup> century on steep hillside below Vico Road and facing out to sea. Both houses would have been uniform originally but both have been altered over the years. The site is at a lower level to Vico Road with the chimneys and some of the roof ridge line visible to passing cars and pedestrians when travelling uphill (westwards). The appeal site shares a platform of flat land facing the sea with No 1 Vico Terrace to the west and Vico Lodge to the east. All three properties are accessed by a narrow shared vehicular entrance off Vico Road. The house and surrounding area and houses are located within the Vico Road ACA.
- 1.2 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photos and images available to view throughout on the appeal file.

## 2.0 PROPOSED DEVELOPMENT

- 2.1 This is an application for planning permission for the demolition of existing sunroom over garage extension and the construction of a new two storey over garage extension. The development also includes 2 no. replacement dormer windows, alteration of fenestration and upgrading works to the main house, landscaping, drainage and ancillary works to facilitate the development. The site is located within an Architectural Conservation Area.
- 2.2 The gross floor space of the existing building is stated as 270 sq.m, the gross floor space of proposed works is stated as 346 sq.m (open car part excluded) and the gross space of demolition is stated as 39 sq.m.
- 2.3 The application was accompanied by the following:
- (i) Report on Structural Alterations
  - (ii) Planning Assessment

## 3.0 TECHNICAL REPORTS

- 3.1 The **Conservation Division** has no objections to the principle of the proposed development and consider that it accords with relevant policies set out in Chapter 11 (Conservation of the Architectural Heritage) and 16 (Development Management) of the Development Plan and Section 7.0 Policy Objectives of the Vico Road ACA Character Appraisal.
- 3.2 The **Transportation Planning** Section have no objection to the proposed works subject to the following conditions relating to the submission of a Construction

Management Plan; compliance with plans and details submitted, avoidance of conflict between construction activities and pedestrian/vehicular movements and the prevention of any mud, dirt, debris or building material being carried onto or placed on the laneway or public road or adjoining property.

3.3 The **Surface Water Drainage Report** has no stated objection subject to a condition requiring that the surface water shall be discharged to a soakpit.

3.2 The **Local Authority Planner** considered that the proposed development, subject to conditions, would not seriously injure or detract from the residential amenities of the area or of property in the vicinity. The Planner recommended that permission be **granted** for the proposed development subject to conditions. The notification of decision grant permission issued by Dun Laoghaire Rathdown County Council reflects this recommendation.

#### 4.0 **OBJECTIONS / OBSERVATIONS TO THE PLANNING AUTHORITY**

4.1 There are five letters of objection(s) / observation(s) recorded on the planning file from (1) P&M Crowe, (2) Jack Coffey, (3) Eibhlin O'Scollain, (4) Liam McDonnell & Mary Rose Molloy and (5) Elizabeth Purcell. The issues raised may be summarised under the following general headings:

- **Impact on ACA status** - Proposal does not comply with the intention of the Vico Road ACA as it would overly dominate the existing architectural composition of the pair of houses and this context which form part of specifically referenced protected views
- **Visual Amenity** - scenic and sea views from Vico road which are protected will be adversely affected; the line of traditional Victorian cottages will be broken; the substantial nature of the proposed dormer windows are out of scale with the character of the existing house; the design, form, scale and material are inappropriate and will jar with traditional white plastered chimney gable and pitched slate roof and with views from Vico Road
- **Residential Amenity** - The extension exacerbates issues relating to overlooking to Vico Lodge; the height and scale of proposed extension will dominate and overlook the private outdoor patio serving Vico Lodge and there will be a loss of Screening Trees
- **Construction Works** - Construction and demolition vehicular movements cannot be accommodated; damage from construction and demolition vehicles may exacerbate erosion; impact from construction traffic in narrow shared access driveway and Vico Road and mechanics of rock removal to facilitate development may damage the boundary wall and lead to slippage and erosion of sea wall

- **Previous Application** - None of the issues raised in the previous withdrawn application (Reg Ref D14A/0418) have been dealt with in this current application
- **Invalid Application** - Wording of the application and public notices are misleading. The application is for 3 storey extension, not “2 storey over garage”; application is incomplete and should be declared invalid (no north elevation, no west elevations / sections through No 1 Vico Terrace) and the proposal more substantial than described

## 5.0 PLANNING AUTHORITY DECISION

5.1 The planning authority issued notification of decision to **GRANT** planning permission for the proposed development subject to 12 conditions summarised as follows:

**Condition No 1** Development shall be carried out in accordance with the plans, particulars and specifications lodged with the application

**Condition No 2** Construction Management Plan

**Condition No 3** Structural works to be carried out as highlighted in the submitted 'Report on Structural Alterations' from Casey O'Rourke Associates

**Condition No 4** Applicant and Contractor shall avoid conflict between construction activities and pedestrian/vehicular movements on the laneway to the front of No. 2 Vico Terrace during construction works.

**Condition No 5** Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the laneway or public road or adjoining property

**Condition No 6** Construction works including excavation (including stone extraction) involving the proposed new reinforced concrete retaining wall, and existing retained ground and adjacent gravity retaining walls shall be monitored on site by a suitably qualified Structural Engineer or Chartered Engineer.

**Condition No 7** Surface water disposal

**Condition No 8** The entire premises shall be used as a single dwelling unit and shall not be sub-divided as two or more separate habitable units.

**Condition No 9** Development Contribution (Surface Water Public Infrastructure & Facilities)

**Condition No 10** Development Contribution (Roads Public Infrastructure & Facilities)

**Condition No 11** Development Contribution (Community & Parks Public Infrastructure, Facilities & Amenities)

**Condition No 12** Payment of development contributions

## 6.0 PLANNING HISTORY

6.1 There is no evidence of any previous planning appeal on this site.

## 7.0 POLICY CONTEXT

7.1 The operative plan for the area is the **Dun Laoghaire-Rathdown County Development Plan 2010 – 2016**. The site is located on lands zoned **Objective A** where the objective is *to protect and/or improve residential amenity* where residential development is permitted in principle. There is also an objective O/O on the lands, where it is stated that "**no increase in the number of buildings permissible**". The site is also located within the **Vico Road ACA (Architectural Conservation Area)**. **Protected Views** are identified on Zoning Map 4 of the Development Plan.

7.2 Guidance and standards for **additional accommodation in existing built up areas** are set out in section 16.3.4. Relevant provisions of the 2010-2016 County Development Plan are set out in Section 16.9.2: Architectural Conservation Areas; Section 11.3.10: Policy AR8: Architectural Conservation Areas (ACA) and Section 9.2.4: Policy LHB4: Views and Prospects. **Policy AR8: Architectural Conservation Areas (ACA)** states that *it is Council policy to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas*. **Policy LHB4: Views and Prospects** states that *it is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests*.

7.3 The Architectural Heritage Protection Guidelines for Planning Authorities (2001) set out certain principles in relation to architectural conservation areas.

## 8.0 GROUNDS OF APPEAL

8.1 There are two third party appeals on file from (1) Jack Coffey, Liam McDonnell and Mary Rose Molloy (prepared and submitted by ARC Architectural consultants) and (2) P&M. Crowe and Elizabeth Purcell (prepared by Conroy Crowe Kelly Architects &

Urban Designers). The issues raised may be summarised under the following general headings:

## **8.2 Jack Coffey, Liam McDonnell and Mary Rose Molloy**

- The appellants support in principle the retention, refurbishment and extension of No 2 Vico Terrace such that it would make the house suitable for modern living. However the appellants have serious concerns about the scale, bulk and design of the extension to No 2 Vico Terrace particularly in the context of the location of the site within an Architectural Conservation Area and within the zone of visual influence related to views protected under the Development Plan.
- The appeal site is located within the Vico Road Architectural Conservation Area. The subject house is one of a pair of houses forming Vico Terrace and is considered to be a building of heritage importance. It is of significant concern that no Architectural Heritage Impact Statement of Assessment or Conservation Method Statement has been included in the planning application. In this regard the extent to which the history and heritage value of the building has been investigated as part of this planning application is unclear.
- The information submitted with the application makes it very difficult to determine the proposed extent of works and in particular the proposed extent of change to the original house at the appeal site.
- In addition the proposed three storey extension to the existing two storey (plus dormer) house at No 2 is of such considerable proportions, bulk and height that it will dominate the house and could not be said to be either subsidiary to the main building or of an appropriate scale.
- Vico Terrace comprises two to the few examples of houses with dormer windows within the ACA. The applicant proposes to very significantly enlarge the dormer windows and change their shape and character. This change will materially alter the character of No 2 and render its appearance inconsistent with its adjoining neighbour, thereby undermining the integrity of Vico Terrace as a whole.
- The application does not include a visibility analysis or visual impact assessment of the proposed development undertaken by a suitably qualified professional. The visual character of Vico road, Vico Terrace and its interrelationship with Sorrento Terrace has remained relatively unchanged for more than a century. The construction of the proposed development at No 2 will alter the character of Vico Terrace and will intervene in historic views of Sorrento Terrace from Vico Road and the local area. The proposal will also obstruct visibility of Vico Terrace from Sorrento Terrace. The proposed design of the development will appear jarring, visually obtrusive and grossly out of character with surrounding development on Vico

Terrace. This loss of visual amenity will comprise a considerable loss to the ACA – it could in no way be considered to enhance the ACA.

- Having regard to the historic and cultural landscape in which the proposal is located and to the proposed design response to this landscape and to the built environment of Vico Road and Vico Terrace, it is considered that the proposed development will result in a significant, permanent and negative visual impact on the Vico Road Area. It is therefore, respectfully requested that permission be refused for the proposed development.

### 8.3 P & M. Crowe and Elizabeth Purcell

- **Impact on Vico Road ACA** - The Vico Road ACA is located in a most sensitive coastal area, characterised by its natural beauty, but also by its rich predominantly 19<sup>th</sup> century architectural heritage. Its significance has been recognised by the Planning Authority in designating it as an ACA. The design of the proposed development has little regard to the urban design and architectural significance of the Vico Road ACA and is contrary to the overriding objective of the ACA designation, which is to protect the special character of the area.
- **Impact on Protected Views and Prospects** - The proposed development because of its location within the listed views, would interfere with a view or prospect of special amenity value, which is listed for protection in the Development Plan and which it is necessary to preserve and thereby seriously injure the visual amenities of the area.
- **Impact on Property in the vicinity** - The proposed development, by reason of its design, form and scale would significantly injure the visual integrity of this attractive, historic pair of houses, to the detriment particularly of No 1 Vico Terrace. It would also detract from the setting of the proposed structures in the vicinity, in particular Sorrento Terrace, which is one of the finest residential terraces in the area. This aspect was given little attention by the Planning Authority, but is a valid planning consideration.
- **Impact in relation to Development Plan Policy** – The report of the Planning Officer of DLRCC refers to certain relevant policies in the Development Plan. However it is considered that the decision to grant permission for the proposed development did not have adequate regard to these policies
  - Section 11.3.10 Policy AR8 Architectural Conservation Areas
  - Section 16.9.2 Architectural Conservation Area
  - Section 16.3.4(i) Extension to Dwellings
  - Section 9.2.4 Policy LHB4 Views and Prospects

- **Decision of Planning Authority** - It is unclear how the loss of vernacular form of one of the pair of Victorian houses located in a listed view in the context of protected structures “is not considered significant”. This is a historically important continually recorded and largely intact landscape / seascape setting. The loss will be significant, the precedent more so.
- **Precedent** - An Bord Pleanála has previously sought to protect the amenities of the general area from inappropriate development. Reference is made to the following decision of the Board - PL06D.215819 & PL06D.217326 and PL06D.123547
- **Deficient Application Documentation** - The submitted drawings and information, including applicants report are inadequate to describe the nature and scale of the development as is required by law. There is no rear elevation drawings submitted with the application; extensive refurbishment and removal of original structure together with significant rock removal is required. Therefore the application is defective.
- **Defective Public Notice** - The application is legally flawed, as neither the public notices nor the submitted drawings adequately describe the nature and extent of the proposed development (extent of demolition works to the house and excavation works to the rear). It is also respectfully suggested that the assessment of the proposed development, Planning Authority was less than sufficient.
- It is recommended that the proposal should be refused for the following reasons:
  - a) Significant adverse impact on the Vico Road ACA and thereby adversely affect an ACA
  - b) Interfere with a view or prospect of special amenity value, which is listed for protection in the Development Plan and which it is necessary to preserve and thereby seriously injure the visual amenities of the area
  - c) Visually dominant in relation to and out of character with the adjoining 19<sup>th</sup> century house No 1 Vico Terrace and therefore seriously injure the amenities of property in the vicinity and
  - d) By reason of the foregoing be contrary to the policies of the Planning authority as expressed in the DLRCC Development Plan and be contrary to the proper planning and sustainable development of the area

**NOTE:** The appeal was accompanied by a copy of the DLRCC Vico Road ACA Dalkey Character Appraisal; Landscape Appraisal, before and after model views of Vico Terrace and then and now photographs from Vico Road.



## **9.0 DUN LAOGHAIRE RATHDOWN COUNTY COUNCIL RESPONSE TO THE APPEAL**

9.1 The Planning Authority considers that the proposal as submitted is acceptable. Criticisms and suggestions regarding height, butterfly roof, dormer windows and detailing have been noted. It is considered that a modern / contemporary appearance extension to the side of the property in this coastal and hill / cliff side location, would not have a serious negative visual impact on the existing structure when viewed in comparison.

## **10.0 FIRST PARTY RESPONSE TO THE APPEAL**

10.1 The first party response to the appeal has been prepared and submitted by Hughes Planning & Development Consultants on behalf of the applicant John Power. The response may be summarised as follows:

10.2 There is a high wall along the rear long section immediately bounding the site along Vico Road. This reduces the presence of the proposed development and protects the important views along Vico Road with only the existing roofs and chimneys of the terrace being visible from the public domain. Both No 1 and 2 Vico terrace have been unsympathetically modified from the original form with only the exterior façade and structure of both dwellings left of the original structure.

10.3 The proposed development aims to enhance the quality of the terrace by relating closely to the existing height and footprint with high quality contemporary addition. The design, scale and proportion aim to ensure that the proposed development will fit into the receiving environment without undue impacts on adjacent properties.

10.4 The applicant has recently acquired the property and intends to adapt the house as a family home. The property is in need of modernisation and upgrading to meet modern standards including provision of insulation, replacement doors and windows, along with general improvement being required to décor, plumbing, electrical services etc. In tandem with carrying out these works the applicant proposed to extend the dwelling to provide for good quality bedrooms and improved living accommodation.

10.5 Reference is made to the following previous appeals PL06D.123547, PL06D.215819, PL06D.244513, PL06D.243877, PL06D.243688 and PL06D244435.

10.6 The side extension is considered to be consistent with the development plan provision in that the butterfly ridge height is below the ridge height of the existing dwellings and also the main front elevation of the extension is set back behind the front building line of the host dwelling. These design features allow the extension to appear subordinate to the main house. The form and proportions of the extension

also avoid the extension from mimicking the form and appearance of the existing house, thereby protecting its place within the context of the ACA. As regards the proposed replacement dormer windows it is considered that the design, in terms of form and proportion, is consistent with the development plan policy.

10.7 The proposed extension has adopted a high quality design and finish to ensure that the extension would seek to enhance the special character of the ACA remain subordinate to the host dwelling and by association, subordinate to the attached No 1 Vico Terrace. As noted in the Conservation Response which accompanies this first party response, the proposed dwelling maintains the built form of the existing dwelling and attached dwelling, No 1 Vico Terrace including maintaining the existing ridge line and setting the front façade behind the existing front building line.

10.9 The development proposed represents an appropriate form of development in the context of the Vico Road ACA and would not give rise to any undue impacts on the special character of the Vico Road ACE including protected views, not on the amenity, visual or otherwise, of adjoining properties.

**NOTE:** the appeal was accompanied by the following:

- (i) Letter of support from the owner of No 1 Vico Terrace (adjoining terrace)
- (ii) Conservation Report prepared by Rob Goodbody, Historic Building Consultants concluded that the contemporary style extension is an appropriate form of development in the context of both the existing dwelling form and built form in the area. It's also concludes that the proposed development would not harm the proposed views of the Vico Road ACA.
- (iii) Landscape & Visual Impact Assessment prepared by Hughes Planning and Development Consultants concluded that the proposed development, due to its location, sale and design would give rise to no significant negative impact on the sensitive coastal landscape to protected views at this location and therefore the proposal was found to be consistent with the provision of the DLRCC Development Plan particularly LHB4 which seeks to "prevent development, which would block or otherwise interfere with a view, which is designated for protection".

## **11.0 OBSERVATIONS**

11.1 None recorded on the appeal file.

## **12.0 SECTION 131 RESPONSES**

12.1 The submissions received from Hughes Planning and Development Consultants on behalf of the applicant John Power on 16<sup>th</sup> March 2015 were cross circulated to the relevant parties. The following responses were received and additional comments therein may be summarised as follows:

## 12.2 **ARC Architectural Consultants on behalf of Jack Coffey, Milano and Liam McDonnell & Mary Rose Molloy (Violet Hill)**

- The applicant has failed to address any of the concerns raised by the third party appellants. The third party re-affirm all rounds raised in the Third Party appeal
- The basis on which view locations for the preparation of the applicant's photomontages were chosen is not clear. No methodology for the preparation of photomontages is described in the response documents (e.g. type of camera or lens etc) and there is no rationale given for why the views and photomontages have been produced at such a small scale.
- The cumulative effect of the proposed development along with any future proposals to No 1 Vico Terrace is likely to result in a very significant change to the character of Vico Terrace and its relationship to the Vico Road ACA. The proposed extension which is of thoroughly modern idiom will not appear to be an extension but rather is likely to be viewed as a new three storey house. It is very difficult to conceive of a circumstance in which it would be reasonable to suggest that the proposal could be viewed as subsidiary to the original house.
- There is no planning precedent for development of the nature and extent of what is now proposed at Vico Terrace. Nothing in the first party response to the appeal relates to permissions granted for development at Vico Terrace or to permissions for extension of a house of a materially similar architectural style, character to no 2 Vico Terrace.

## 12.3 **Conroy Crowe Kelly Architects and Urban Designers on behalf of P&M Crowe (Baymount View) and Ann Purcell (Mount Etna)**

- The issue at hand is not the insertion of a new building – it is that the extension, demolition and alterations are so out of character with the scale and composition of Vico Terrace and are directly in contravention of Section 28 document “Architectural Heritage Protection – Guidelines for Planning Authorities” and in particular Section 3.10.2, 3.10.03 and 6.2.3 of that document.
- Various planning precedent quoted are not relevant to this case
- No reference or explanation for the legal inadequacies of the application in respect of demolition, the extent of the works advertised, missing documentation and the consequent lack of notification to prescribed bodies as required by law.
- The views in the Landscape and Visual Assessment are not very clear and it is noted that the correct size for desk appraisal is A3 photographs with a 45 to 55 mm lens. Further the viewpoints and positions are critiqued and several of the

verdicts are also evaluated and criticised. The absence of some views are also noted.

- On the issue of modern structures there is no argument. In the adjacent examples noted in the reports in all cases the original houses are still recognisable from Lawrence era photographs and the modern side extensions to the houses are all lower than and subsidiary to the original. In No 2 Vico Terrace however the roofscape evident in public and historic views will be lost and the side extension rises a floor above a parapet.
- The justification of this proposal in these responding reports does not rely sufficiently on any intrinsic justification of the scheme. The arguments mainly rely on the thesis that the preservation of architectural heritage in an ACA does not matter if it cannot be seen. Vico Terrace can be seen and the extensions / reworking of No 2 clearly defy the definition of "Subsidiary". The neighbours above are intimately acquainted with these buildings s not surprisingly this is where the reality check emanates.

#### **12.4 Dun Laoghaire Rathdown County Council**

- The Planning Authority has no further commentary to make to its previous response other than to reiterate that the modern / contemporary design approach applied to the proposed side extension was considered to be acceptable in principle, and similarly that the alterations onto the roof and front elevation of the existing dwelling were in general considered to be acceptable, while noting the enlarged scale and size overall of the various new elements and the observation and concerns of the original third party submission regarding these details.

### **13.0 ASSESSMENT**

13.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Impact on the Vico Road Architectural Conservation Area
- Validity of Planning Application
- Other Issues

### **14.0 PRINCIPLE / POLICY CONSIDERATIONS**

14.1 This is an application for planning permission for the demolition of existing sunroom over garage extension and the construction of a new two storey over garage extension. The development also includes 2 no. replacement dormer windows,

alteration of fenestration and upgrading works to the main house, landscaping, drainage and ancillary works to facilitate the development. The gross floor space of the existing building is stated as 270 sq.m, the gross floor space of proposed works is stated as 346 sq.m (open car part excluded) and the gross space of demolition is stated as 39 sq.m.

- 14.2 Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2010 – 2016 the appeal site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where a residential extension is *permitted in principle subject to compliance, with the relevant policies, standards and requirements* set out in plan.
- 14.3 Further the appeal site is also located within the Vico Road ACA (Architectural Conservation Area) where *it is Council policy to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas.* The Development Plan sets out that *while the purpose of the designation is to protect and enhance the special character of the area, this does not preclude any appropriate forms of development.*
- 14.4 Having regard to the zoning objective for the site I am satisfied that the principle of extending this dwelling is acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

## **15.0 IMPACT ON THE VICO ROAD ARCHITECTURAL CONSERVATION AREA**

- 15.1 As set out previously the appeal site is located within the Vico Road Architectural Conservation Area (ACA). The Vico Road ACA is located in a most sensitive coastal area, characterised by its natural beauty, but also by its rich predominantly 19<sup>th</sup> century architectural heritage. Its significance has been recognised by the Planning Authority in designating it as an ACA. The associated Character Appraisal states that *Vico Road ACA comprises of a coastal landscape of dramatic natural beauty which has provided the context for an ensemble of buildings and landscape design features.* The appraisal further states that *Vico Road today retains many of the historic villas and terrace houses with their grounds that have established its special character over time.* It is further stated that *the houses and grounds retain many large mature trees and together define the visual character of most of the coast and headland either side of Vico Road and Sorrento Road. Important and dramatic views exist within the ACA and to the distant landscape and sea beyond.*
- 15.2 The current Development Plan states that *roads or other public areas from which there is a view worthy of protection are shown on the Development Plan Maps.* In this regard I refer the Board to Development Plan Map No 4 where there are blue arrows (used to annotate a view to be preserved) running the length of Vico road facing towards the sea. Section 3.9 of the Character Appraisal provides that *it is*

*Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interest.* This section of the Character Appraisal includes a picture of one of the views which refers to “View 8” and where Vico Terrace and Sorrento Terrace are clearly visible. The Appraisal describes View 8 as one of the *most significant views in the ACA area* related to “*intermittent views along the sequence in view 7 from the Vico Road looking out to sea, to Sorrento Terrace and south to Wicklow.* This includes foreground views down to houses below Vico Road.

- 15.3 Vico Terrace is an integral element in the character of the Vico Road ACA and as documented by the appellants they date from a relatively early period in the development of the area, from the mid 1860's. Further these houses are clearly visible on the 1867 Edition of the Ordnance Survey and are also prominent in historic photographs of the area. While both houses have been altered over the intervening years the form and spirit of No 1 and 2 Vico Terrace have been retained up to the present. I refer to the Ordnance maps and historic / recent photos of the area available to view on the appeal submissions and throughout the appeal file.
- 15.4 The Vico Road ACA Character Appraisal states that *the objective of the ACA is to protect the special character of an area through the careful control and positive management of change of the built environment.* Vico Terrace is an integral part of this special character and therefore any proposed development at this location should have significant regard to its context in both absolute and relative terms. Having regard to the scheme before the Board I generally agree with the appellant that the proposed scheme would result in a reconstructed building, unrecognisable in relation to the existing, except for what would remain of the front elevation and in a context where the new elements would dominate the original. Overall I consider that the design and scale of the proposed development has little regard to the urban design and architectural significance of the Vico Road ACA and is contrary to the overriding objective of the ACA designation, which is to protect the special character of the area.
- 15.5 It is clearly demonstrated that the relevant statutory development plans for the area categorically recognise the importance of this sensitive coastal area through the ACA designation. However as stated previously such status does not preclude development. Rather it seeks to ensure that any intervention in the built fabric is appropriate to its sensitive context. While the proposed extension before the Board is architecturally pleasing and of considerable merit, regrettably it is contextually insensitive. Overall I agree with Jack Coffey (Paul O'Callaghan Architects) in their observation To DLRCC that *whilst accepting that such an extension should not revert to pastiche and should be “of its time” the architectural treatment in this case is such as to create such a divergent design as to visually create the effect of a strident new additional structure on the end of the terrace.* This deliberate clash

*creates a discordance which is not to be welcome in an ACA. Refusal is recommended.*

## **16.0 VALIDITY OF THE PLANNING APPLICATION**

- 16.1 Concern is raised throughout the appeal that the public notices, the submitted drawings and information, including the applicants report are inadequate to describe the nature and scale of the development as is required by law. Reference is made to the absence of rear elevation drawings and the extensive refurbishment and removal of original structure together with significant rock removal required to facilitate the proposed development. In particular it is noted that virtually the entire of the original fabric of the house is to be demolished save the front elevation and that this is not described in the public notices. It is submitted that the description in the applicants report that the works do not involve “the removal of any significant original fabric” does not stand up to scrutiny given the actual extent of demolitions and that with rear underpinning and removal of the roof and internal floors it is difficult to see more than the front and party wall surviving.
- 16.2 I have considered the information available with the appeal file including the Report on Structural Alteration submitted with the planning application and together with my site inspection I share the concerns raised, particularly with regard to the extent of structural / excavation works required to facilitate this development. Should the Board be minded to grant permission it is recommended that consideration is given to inviting the applicant to re-advertise the proposed scheme setting out the full extent of works proposed and that further information be requested requiring the submission of rear elevation drawings and details and particulars pertaining to the proposed reinforced concrete retaining wall at lower ground floor level and the associated temporary works to ensure stability of the adjacent gravity retaining wall proximate to Vico Road together with the nature and extent of excavation works proposed.

## **17.0 OTHER ISSUES**

- 17.1 **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site, 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.
- 17.2 **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) and is in place since 13<sup>th</sup> May 2013. Section 11 Exemptions and Reduction of the scheme states that *the first 40 square metres of any residential extension, shall be exempt from the contribution scheme.* According

to the application form the gross floor space of the existing building is stated as 270 sq.m, the gross floor space of proposed works is stated as 346 sq.m (open car part excluded) and the gross space of demolition is stated as 39 sq.m. Accordingly, the proposed development does not fall under the exemptions listed in either scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

- 17.3 In relation to the **Section 49** Supplementary Development Contribution Schemes (Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds, and Extension of LUAS Line B1 – Sandyford to Cherrywood) it is noted that the subject site is located outside the catchment area of both and therefore the Section 49 scheme is not applicable in this case.

## **18.0 RECOMMENDATION**

- 18.1 Based on the above assessment I recommend that permission be refused for the proposed development for the reason and considerations set out below.

## **19.0 REASONS AND CONSIDERATIONS**

1. The appeal site is located within the Vico Road ACA (Architectural Conservation Area) where Policy AR8: Architectural Conservation Areas (ACA) states that *it is Council policy to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas*. This policy is considered to be reasonable. It is considered that the proposed development by reason of the scale, design and relationship between the new and the retained elements, would contravene the provisions of the Development Plan, would be out of character with the pattern of development in the area, would seriously injure the amenities of this Architectural Conservation Area and would, therefore, be contrary to the proper planning and development of the area.
2. The site is located on the coastline and within the field of view from the Vico Road where there is a zoning objective to preserve views that are designated as worthy of protection in the current Development Plan for the area. It is considered that the proposed development, by reason of its scale and design, would be visually intrusive, would interfere with views of special amenity value which it is necessary to preserve and would, therefore, be contrary to the proper planning and development of the area.



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**Mary Crowley**  
**Senior Planning Inspector**  
**25<sup>th</sup> May 2015**