



An
Bord
Pleanála

Inspector's Report

ABP-307516-20

Development	House Extension
Location	Hainault House, Hainault Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19B/0506
Applicant(s)	Jillian and John MacGovern
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Declan and Ethel O' Connell
Observer(s)	None
Date of Site Inspection	28 th August 2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Hainault Road, Foxrock, Co. Dublin.
- 1.2. The site has an irregular shape and a stated area of 0.23 hectares. The site currently accommodates an early twentieth century Edwardian Arts and Crafts style detached two storey/ part single storey dwelling with a red-tiled pitched roof profile. The site has a large garden with mature trees and hedgerow.
- 1.3. The site adjoins to the west 'Hainault Lodge' a two storey detached dwelling and 'Barna' to the east.
- 1.4. The area is suburban in nature and is generally characterised by detached houses on substantial sites. There is a wide variety of house designs in the area with some new infill development.

2.0 Proposed Development

- 2.1. On the 10th of December 2019, planning permission was sought for refurbishment and extension of the existing dwelling together with the construction of two single storey garden sheds. The development provides for demolition works at ground and first floor levels together with extensions at ground and first floor levels together with alterations to the existing external finishes.
- 2.2. Revised drawings and details were submitted to the Planning Authority on the 9th of April 2020 in response to the Further Information Request as follows:
 - The total area to be demolished is stated to be 69m².
 - An Architectural Heritage Appraisal prepared by a conservation architect was submitted. The main conclusion was that Hainault House, although an attractive house with some quaint features, many of these are not original and are of no architectural significance. The original plan and roof form will be retained together with key elements ensuring that the character of the original house is maintained.

- A revised design provides for a modern vertical glazed element to clearly identify the proposed extensions together with an extended zinc canopy roof.
- Tree Survey and report. In order to avoid any impact on Trees 0365 and 0364, the rear garden shed has been relocated closer to the house. Revisions are also proposed to the foul and surface water connections to the existing manhole at the front entrance gate to ensure the protection of Tree 0360.
- Landscaping Plan.
- Site Section Drawings indicating the existing levels and proposed alterations to accommodate the proposed extension.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 No. Conditions.

Noteworthy conditions include the following:

Condition 2 required the glazing within the first floor level of the north western elevation of the proposed extension to be of manufactured opaque or frosted glass.

Condition 5 required the developer to implement all the recommendations pertaining to tree retention and protection as outlined within the submitted tree report and accompanying drawings.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report (11/02/20) considered that the principal of development was acceptable at this location. It was considered that there was limited potential for direct overlooking of Hainault Lodge and a condition to use frosted glazing in a first floor window in the western elevation was recommended to address this concern.

- The second planner's report (11/06/20) noted the Architectural Heritage Assessment submitted with the Further Information Response and considered that based on the evidence submitted in this report, the proposed demolition works were acceptable.

3.2.2. Other Technical Reports

Drainage Report: No objection subject to conditions.

Conservation Section: The verbal report noted in the planner's report, considered that the existing house represented an integral element of the Arts and Crafts period and required further details and a revised design in relation to this.

A second report considered that the applicant should retain the original external details that are considered characteristic of the Arts and Crafts building including (i) bands of tiles to the gables on the south east and south west elevations, (ii) half timber cladding to the area under the eaves and (iii) the timber loggia and balcony on the south east and south west elevations.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Observations

3.4.1. One third party observation was submitted to the Planning Authority. The issues raised are similar to the third party appeal to the Board.

4.0 Planning History

PA D11A/0308

Permission granted for a new single storey garage and the relocation of the entrance.

Adjacent property- Hainault Lodge

PA12/0153 / ABP PL 06D.240847

Permission granted by PA and by the Board on appeal for amendments to previously permitted development under D09A/0182/ ABP PL06D.233843) and proposed demolition of existing dwelling and re-build with replacement dwelling.

PA D09A/0182/ PL06D.233843

Permission granted for the demolition of existing dwelling and re-build with replacement dwelling.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

- The site is zoned 'Objective A' – 'To protect and/or improve residential amenity.
- The site is not located in the Foxrock Architectural Conservation Area.
- Hainault House is not a protected structure.
- Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code 000210)
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024).

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Concerns regarding overdevelopment of the site.
- The scale, massing and height of the proposed development has been significantly increased adjacent to the appellants boundary.
- Concerns regarding impact on residential amenity including overshadowing and loss of light.
- No assessment of sunlight and daylight was submitted as part of the application.
- The proposed development would be overbearing.

- The site is located close to the Foxrock Architectural Conservation Area and the proposed development would negatively impact on the character of the area.

6.2. Planning Authority Response

- The Planning Authority response considered that the grounds of appeal did not raise any new matters which would justify a change of attitude to the proposed development.

6.3. Applicant's Response

6.3.1. The response submitted on behalf of the applicant can be summarised as follows:

- The extent of the proposed extensions are not considered to be overdevelopment and are in line with the current pattern of development in the area.
- The proposed extension is c. 2m from the dividing boundary mature hedge and is c. 13.2m in length. There is only one first floor wardrobe window on this elevation which has obscure glazing so no overlooking would occur.
- A conservation report was submitted to the Planning Authority which noted that Hainault House had no architectural significance. The existing character of the house has been respected and would be in keeping with existing development in the area.

6.4. Observations

- None.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Impact on Residential Amenity
- Impact on Architectural Conservation Area
- Appropriate Assessment

7.2. Impact on Residential Amenity

- 7.2.1. A number of concerns have been raised in relation to negative impacts of the proposed development on the residential amenity of Hainault Lodge to the west of the site. The main concerns raised relate to overdevelopment of site, inappropriate scale and massing, loss of daylight and sunlight, overlooking and insufficient set-back from boundary.
- 7.2.2. The site size of the proposed development is 0.23 hectares. Hainault Road is characterized by large houses on substantial sites and the existing site is one of the largest sites on the road. It is proposed to demolish a total of 69m² of the existing dwelling and provide for ground and first floor extensions.
- 7.2.3. The existing house is well set back from the road by c. 13m and is well screened from the road by mature trees and hedgerow. The existing garden is mature and provides for very generous private amenity space.
- 7.2.4. The proposed extension is c. 2m from the dividing boundary and is c. 13.2m in length. It is not located directly opposite the eastern elevation of Hainault Lodge. I note that permission was granted under a large replacement dwelling in February 2013 on the site of Hainault Lodge but this permission has now expired and was not implemented.
- 7.3. I note that the Planning Authority report considered that any potential for overbearing impact was mitigated due to the location of the proposed extension not directly opposite Hainault Lodge. It considered that taking into account the separation

distances, the existing and proposed heights, the site orientation and the depth of the rear garden of Hainault Lodge, it was not deemed that there would be a detrimental impact on the neighbouring dwelling in terms of reduction of sunlight or daylight on the neighbouring dwelling or its private open space.

7.4. I concur with the conclusions of the Planning Authority in this regard. I consider that whilst the extensions proposed are substantial, they are compatible with both the size of the site and the form and scale of existing development in the vicinity of the site. In terms of overlooking, I note that there is only one window on the first floor elevation adjacent to Hainault Lodge which serves a wardrobe and has obscure glazing. As such, I do not consider that the proposed extensions will overlook the adjacent dwelling.

7.4.1. In conclusion, I am satisfied that the design and layout of the proposed extensions are compatible with the size and scale of existing development in the area, that the separation distances are adequate and that they would not detract from the residential amenities of the adjacent property.

7.5. Impact on Architectural Conservation Area

7.5.1. Concerns are raised in the third party appeal that the site is close to the boundary of the Foxrock Architectural Area and the existing house is a good example of the Irish Arts and Crafts movement. It is submitted that the proposed extension will, if permitted, negatively impact on the character of the area.

7.5.2. I note that the house is not a protected structure and though close to the Foxrock Architectural Area, it is not within the boundary of the ACA.

7.5.3. The planner's report refers to a verbal report delivered by the Conservation Officer which considered that the house represented an integral component of the Arts and Crafts period. Further Information was requested by the Planning Authority which required an Architectural Heritage Appraisal and a revised design so that the proposed two storey extension could be differentiated from the existing dwelling.

7.5.4. An Architectural Heritage Assessment submitted to the Planning Authority in response to the Further Information Request noted that Hainault House is neither a protected structure nor included in the National Inventory of Architectural Heritage. It

concluded that Hainault House 'has no architectural significance, is neither good, important, or integral, nor is it characteristic of the Arts and Crafts style, and is most definitely not an 'exemplar' of the Arts and Crafts. The report states that the quality of the red tiling at ground and first floor ceiling levels is not good and questions if it is original. It is stated that the present ground floor plan was compared to the original 1908 plan and the main change to this was the addition of a kitchen c. 1990. The windows are not original and are modern additions. On the first floor level, the bedrooms have been remodelled too much to be of interest.

- 7.6. The Planning Authority report noted the conclusions of the Architectural Heritage Assessment and accepted them. It considered that it was not deemed necessary to include any conditions in the event of a grant of permission requiring the retention of elements characteristic of the Arts and Crafts style.
- 7.7. A number of elements were included in the revised design submitted to the Planning Authority in response to the Further Information Request to differentiate the proposed extension from the existing house. These include the creation of a modern glazed element at the junction of the proposed extension, the extension of the canopy roof over the kitchen/dining area and the use of contemporary zinc cladding at this location.
- 7.8. Having regard to the Architectural Heritage Assessment submitted, it is clear that the existing dwelling has very limited architectural significance and is not a good example of the Arts and Crafts Style. I am of the view that the proposed extension is in keeping with existing development in the vicinity of the site and will not detract from the visual amenities of the area and would not have no significant impact on the character of the Foxrock Architectural Conservation Area.
- 7.9. **Appropriate Assessment**
- 7.9.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 9th day of April 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development

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

Reason: In the interest of clarity.

2. The glazing on the first floor northern elevation shall be of obscure glass.

Reason: In the interest of residential amenities.

3. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground

within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. The landscaping scheme, as submitted to the planning authority on the 9th day of April, 2020, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Emer Doyle
Planning Inspector

30th October 2020