

An
Bord
Pleanála

Board Direction
BD-014484-23
ABP-315522-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2023.

The Board decided to make a split decision, to

1) Grant Permission (subject to conditions) for:

- Removal of existing gates to lane and replacement with wrought iron gates with side pillars to match historic railings.
- All associated works relating to the removal of existing gates and their replacement.

For the reasons and considerations marked (A) below and subject to the conditions set out under, and

2) Refuse permission for:

- Removal of section of wall between the lane and front garden of No. 12 Crosthwaite Park South to provide off street parking including installation of an electrical vehicle charging point.
- Erection of painted hardwood vehicle gate hung from two rubble granite pillars and positioned between the front elevations of No.s 10 and 12 Crosthwaite Park South.

For the reasons and considerations marked (B) under.

(A) Reasons and Considerations

Having regard to the residential land use zoning objective which applies to the site, the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028; the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht in October, 2011; the consciously designed architectural character and visual as well as material coherence that characterises boundary treatments of this Protected Structure that forms part of a pair of Victorian Terraces that address the northern side of Crosthwaite Park South in a highly uniform manner; the pattern of development that characterises this architecturally rich urbanscape with this afforded protection as an Architectural Conservation Area; and the nature and scale of the proposed development which would reverse the visual damage arising from unsympathetic boundary treatments, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would be acceptable in design, form and scale and would not adversely impact on the character or setting of the Protected Structure (RPS No. 1382), or the setting of neighbouring Protected Structures that No. 12 Crosthwaite Park South forms part of by way of it being an end of terrace Victorian dwelling that forms part of a distinctive and uniform group of two consciously designed and laid out terrace groups or would it adversely diminish the special intrinsic character and quality of the Architectural Conservation Area. In addition, the proposed development would not seriously injure the residential amenities of properties in its vicinity or would it give rise to any additional traffic inconvenience for road users of Crosthwaite Park South. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 the 14th day of November, 2022, except as may be otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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 residential amenities of property in the vicinity.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services, and shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

Advisory Note

1. Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*'.

(B) Reasons and Considerations

The proposed removal of a section of wall between the lane and front garden of No. 12 Crosthwaite Park South to provide access to a off-street car parking space including the provision of an electrical vehicle charging point and the erection of a painted hardwood gate hung on two matching side pillars between the front facades of numbers 10 and 12 Crosthwaite Park South would, by reason of their unsympathetic design seriously injure the intrinsic special architectural quality, integrity and interest of No. 12 Crosthwaite Park South, a Protected Structure (RPS No. 1382), that forms part of a consciously designed, laid out, highly uniform and coherent pair of Victorian terraces whose individual properties are each afforded protection by way of their designation as Protected Structure, and visually contribute to the architectural character and special interest of the 'Croswaite Park' Architectural Conservation Area.

It is also considered that these proposed alterations and additions to No. 12 Crosthwaite Park South would not only diminish the surviving features that form part of its consciously designed urbanscape setting but would also diminish the appreciation of this Victorian terrace property with the laneway running between numbers 10 and 12 Crosthwaite Park South. Furthermore, the proposed alterations and additions would be discordant features within the setting of this Protected Structure and the pair of Victorian terraces of which it forms part. In turn they would diminish the contribution of No. 12 Crosthwaite Park South to the surviving intactness and legibility of this Victorian terrace pair original design, particularly in terms of its designed relationship of building, structure, and spaces which now positively contribute to the intrinsic character and special built heritage interest of 'Croswaite Park' Architectural Conservation Area.

As such these components of the proposed development would be contrary to Policy Objective HER 8 of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, which seeks to protect Protected Structures from any works that would negatively impact upon their special character and appearance. It also seeks to protect the relationship between Protected Structures and any complex of adjoining buildings that form part of a designed landscape ensuring that its features including

stone walls, gardens and other associated curtilage features are safeguarded from loss and inappropriate change.

They would also be contrary to Policy Objective HER13 of the Development Plan which seeks to protect the character and special interest of an area which has been designated an Architectural Conservation Area. This policy objective also seeks high quality and sympathetic design solutions for developments alongside, advocating the retention of features that contribute to their special and intrinsic character.

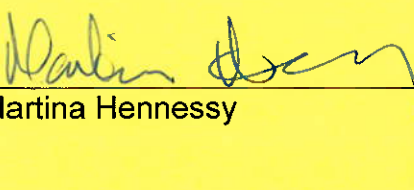
Both of these Development Plan Policy Objectives are consistent with the guidance set out the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht in October, 2011. In addition, these guidelines under Section 13.5 advocate that where a formal relationship exists between Protected Structures and its ancillary features that development that interrupts this relationship should not normally be permitted.

It is considered, therefore, that this element of the proposed development would seriously injure the residential amenity and character of the area and would be contrary to the proper planning and sustainable development of the area.

Note:

The Inspector also raised concerns around compliance with Section 12.4.8.1 of the Development Plan that requires each parking space for a residential dwelling to have a minimum length of 5.5 metres and Section 12.4.8.3 which requires a minimum of one third of front garden areas to be maintained in grass or landscaped in the interest of urban greening and SUDS. The Board considered these new matters in the context of the current appeal. While ordinarily these would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.

Board Member:


Martina Hennessy

Date: 07/11/2023

