

An
Bord
Pleanála

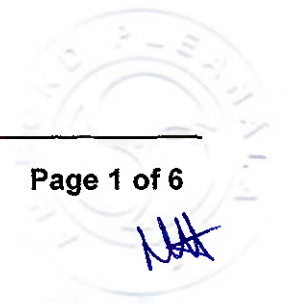
Board Order ABP 315522-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0604

Appeal by Anita Hooper care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin against the decision made on the 7th day of December, 2022 by Dún Laoghaire-Rathdown County Council to grant permission to Justin and Grainne Callaghan care of John P. Masterson of 23 Belgrave Road, Monkstown, County Dublin for development comprising removal of section of wall between the lane and front garden to provide off street parking including installation of an electrical vehicle charging point, removal of existing vehicular gates to lane and replacement with wrought iron vehicular gates with side pillars to match existing historic railings. Erection of painted hardwood gates in lane set behind the frontage of the house together with all ancillary works at 12 Crosthwaite Park South, (Protected Structure) Dún Laoghaire, County Dublin in accordance with the plans and particulars lodged with the said Council. The proposed development was revised by further public notices received by the planning authority on the 14th day of November, 2022.



Decision

GRANT permission for removal of existing gates to lane and replacement with wrought iron gates with side pillars to match historic railings and all associated works relating to the removal of existing gates and their replacement in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for removal of section of wall between the lane and front garden of number 12 Crosthwaite Park South to provide off-street parking including installation of an electrical vehicle charging point and erection of painted hardwood vehicle gate hung from two rubble granite pillars and positioned between the front elevations of numbers 10 and 12 Crosthwaite Park South based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

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 urban scape 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 number 1382), or the setting of neighbouring Protected



Structures that number 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 to the planning authority on 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 with the planning authority, the development shall agree such details in writing 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.

Reasons and Considerations (2)

The proposed removal of a section of wall between the lane and front garden of number 12 Crosthwaite Park South to provide access to an 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 Number 12 Crosthwaite Park South, a Protected Structure (RPS number 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 a Protected Structure, and that together visually contribute to the architectural character and special interest of the 'Crosthwaite Park' Architectural Conservation Area.

It is also considered that these proposed alterations and additions to number 12 Crosthwaite Park South would not only diminish the surviving features that form part of its consciously designed urban scape setting but would also diminish the



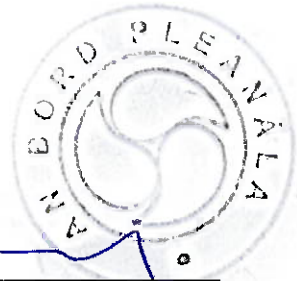
appreciation of the relationship of this Victorian terrace property with the laneway running between numbers 10 and 12 Crosthwaite Park South. Furthermore, the proposed alterations and additions would be discordant features within the setting of this Protected Structure and the pair of Victorian terraces of which it forms part. In turn they would diminish the contribution of number 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 'Crosthwaite 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 in 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 amenities and character of the area and would be contrary to the proper planning and sustainable development of the area.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of November 2023