

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.245602

Development: Demolish existing sun room over garage extension and construct a two storey over-garage extension at 2 Vico Terrace, Vico Road, Dalkey County Dublin.

Planning Application

Planning Authority:

Planning Authority Reg. Ref.:

Applicant:

Planning Authority Decision:

Retention Permission

Dun Laoghaire Rathdown County Council

D15A/0482

John Power

Grant with conditions.

Planning Appeal

Appellant(s):

Type of Appeal:

Observers:

Date of Site Inspection:

Jack Coffey

Third Part vs Grant

None

17th December 2015

Inspector:

Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The appeal site has a stated area of 0.0443 ha and is located on the south (seaward) side of Vico Road, Dalkey, County Dublin. Vico Terrace consists of a pair of semi-detached mid-19th century houses built below the level of Vico Road and facing out to sea. These houses would have been uniform originally but have been altered over the years. There is a third house – Vico Lodge also set below the level of Vico Road and accessed over a narrow shared vehicular entrance off Vico Road.

The existing house, the subject of this application, is set so far below the roadway that it does not obscure views over the sea and, generally, only chimney pots are visible over a 2m high wall on the south side of Vico Road. This house and the other two houses are not protected structures but are within the Vico Road ACA.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the demolition of an existing sun room over garage extension and construction of a two storey over-garage extension, four replacement dormer windows, two new dormer windows, alterations to windows and upgrading works to the main house, landscaping, drainage and ancillary works at 2 Vico Terrace, Vico Road, Dalkey County Dublin.

3.0 PLANNING HISTORY

Under PL06D.244469 permission was refused for the demolition of an existing sunroom over garage extension, construction of a two-storey over garage extension, 2 no. replacement dormer windows, and alterations to fenestration and upgrading of main house on this site for a single reason as follows;

The appeal site is located within the Vico Road ACA (Architectural Conservation Area) and where Policy AR8: Architectural Conservation Areas (ACA) of the current development plan for the area 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 failure to appropriately integrate the proposed works to

the front and rear of the roofscape of the original building, with the character of that building, 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.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The **Planner's Report** recommended a grant of permission as set out in the manager's order.

Transport Planning reported no objection subject to conditions.

Water Services reported no objection subject to conditions.

Conservation Officer reported that the proposed development not adversely affect the Vico ACA.

4.2 Planning Authority Decision

The planning authority granted permission subject to 12 conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The proposed new chimney may facilitate the creation of a new stand-alone house. The chimney will significantly impact on the air quality of adjoining houses.
- Bulk and height is not subsidiary to the existing house on site and will detract from the character of the ACA.
- The proposed extension will disrupt the urban grain of the Vico Terrace through an inappropriate rhythm. The horizontal alignment and detailing

of the new windows and doors, an inappropriate solid to void ratio in the front facade and the scale of the extension are contrary to the policies of the ACA.

- Enlarged dormer windows are out of character with the area. Modernist windows and doors are out of character with the area.
- The proposal will negatively impact on views from Vico Road and in particular on View 8 from Vico Road referenced in the ACA.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority noted the differences between the previous application under PL06D.244469 and the present application as;

- Reduction in scale of currently proposed extension over the previous application with the depth reduced back by 1.6m into line with the existing building line.
- The previously proposed 'butterfly' roof has been revised to a pitched natural slate roof with metal cladding to the dormer windows. The fenestration has been simplified and reduced.
- The height of the dormer windows on the main/original house has been reduced.
- The present application has overcome the reason for refusal set out in relation to PL06D.244469.

6.2 Applicant's response

The applicant responded to the appeal as follows;

- The new application differs from the previous application in that the extension has been reduced in scale such that it is subordinate to the original dwelling, the depth of the extension has been reduced such that it is in line with the rear building line of the original dwelling, the previously

proposed 'butterfly' roof has been replaced with a pitched natural slate roof with a front and rear metal clad dormer window.

- The elevations have been simplified.
- The previously proposed two storey rear wraparound extension has been omitted.
- The applicant proposed omission of the new chimney as provided for in the additional drawings submitted with the applicant's response to the appeal.
- The proposed development will provide a positive new element within the ACA and will not detract from the architectural quality of the area.
- The proposed development will not impact on visual amenity of the area on or views from Vico Road.

6.3 Appellant's comments on Applicant's Submission

The appellant commented on the applicant's submission as follows;

- The third party appellant welcomes the omission of the chimney but the matters of the height of the extension and relationship relative to the original structure have not been resolved.

6.4 Objections/Observations on Appeal

There are no objections on file.

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 (2011) set out certain principles in relation to architectural conservation areas.

8.0 ASSESSMENT

8.01 Background

The Board refused permission for an extension to this house previously under PL06D.244469 because the proposed development did not appropriately integrate the proposed works to the front and rear of the roofscape of the original building and with the character of that building which would contravene the provisions of the development plan, would be out of character with the pattern of development in the area and would seriously injure the amenities of this Architectural Conservation Area. (This history file is not available at time of writing so I have attached printed copies of the drawings submitted with that case in the pouch at the rear of the file).

8.02 The changes between the previous case and the present case are;

- a) The previously proposed copper 'butterfly' roof has been amended to a natural slate pitched roof. This has resulted in a more conventional roof scape and gable end profile and a reduction in the massing of the eastern elevation for the amended development.
- b) The previously proposed wrap-around rear extension which would have brought the rear elevation closer to Vico Road at ground and first floor levels has been omitted and so have two existing projections so

that the footprint of the house has been reduced and moved off the boundary with Vico Road.

- c) The south facing elevation has been amended so that the parapet will run seamlessly from the adjoining house to the west (1 Vico Terrace) to the eastern end of the new extension. The existing roof ridge height is likewise carried over from original house to the new extension.
- d) The fenestration is slightly more problematic. The existing triangular form dormers on the front are being replaced with square metal clad ones and the new extension has a single (slightly larger) dormer. The ground floor has a glass and metal screened balcony which does not seek to replicate the scale or shape of the other elevational elements. The planning authority makes the point in relation to this that the purpose of the ACA is not to enforce conformity but to facilitate consideration of new elements within the ACA for their ability to integrate into the whole. I would comment that if the existing dwelling were a protected structure such an addition may not be acceptable. But in this case a clearly modernist element is being introduced into the overall scheme with no attempt at pastiche. It may also be noted that several of the houses on Vico Road have been subject to equally modernist interventions and the present proposal facing south onto the sea will not be visually prominent in the streetscape. Overall I consider this revised proposal acceptable.
- e) The final element is the proposed chimney on the eastern end of the proposed elevation. The appellant makes the case that the chimney may facilitate a standalone house and may give rise to smoke nuisance to the appellant's dwelling. The applicant has offered to omit this chimney in the submission made in response to the appeal. In relation to these points I would note that the planning authority has enforcement powers which it may use where unauthorised subdivision of residential property occurs. Furthermore given the seaside location of the proposed development where there is an almost constant sea breeze and the requirement to use smokeless fuel in solid fuel appliances significant air quality impacts from the proposed development are not reasonably foreseeable.

8.03 Visual Amenity

In relation to views from Vico Road I conclude that the new roof ridge line, in that it replicates that of the existing building which does not impact on views from Vico Road towards the sea will, not negatively impact on these views.

8.04 Appropriate Assessment

8.05 Having regard to the nature and scale of the proposed development and the likely emissions from it, 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.

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing I recommend that permission should be granted in accordance with the reasons and considerations and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The proposed development is located within the Vico Road Architectural Conservation Area and comprises an extension to an existing residential unit in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire-Rathdown County Development Plan 2010 – 2016. Having regard to the nature, scale and location of the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development would not injure the visual or residential amenity of the area, would not detract from the architectural quality of the area and would otherwise accord 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 An Bord Pleanála on the 10th day of August 2015 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Hugh Mannion
Planning Inspector
6th January 2016