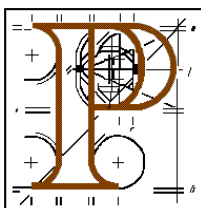


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.245962

Development: Retention permission for modifications to existing apartment balcony of c. 9.5 square metres at Apartment No. 6, Queenstown Castle, Coliemore Road, Dalkey, Dublin 6. Queenstown Castle is a Protected Structure (RPS No. 1544).

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.: D15A/0651

Applicant: Philip Scully

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Tracey Taylor

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: 31st March 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the coastal side of Colliemore Road, Dalkey, Co. Dublin. The site accommodates Queenstown Castle, a part three storey (to the front), part four storey (to the rear) detached structure which dates from the mid nineteenth century. Queenstown Castle is a protected structure which has been divided into 6 No. apartments.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The development comprises of the retention of the following:

- Balcony at first floor level with a stated area of 9.5 square metres.

2.0 PLANNING HISTORY

Relevant planning history is as follows:

D14A/0716/ PL06D.244435

Permission refused by Planning Authority and granted on appeal to the Board for removal of existing conservatory at lower ground floor level and removal of existing roof terrace at upper ground floor level, to be replaced by construction of new conservatories at lower ground floor levels, all on the eastern elevation of Apartments 1 and 4 Queenstown Castle (a protected structure), Colliemore Road, Dalkey, County Dublin.

Enforcement History

Enf. 211/15

A warning letter was issued with respect to the construction of a balcony to the rear of Apartment 6, Queenstown Castle (A Protected Structure), without the benefit of a valid planning permission.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that 1 No. observation was received. It was considered that the retention of the work would be acceptable given the recent interventions to the rear of the protected structure.

Acting Conservation Officer

This report considered that given the recent planning history on the site with particular regard to PA Reg. Ref. D14A/0716, it is difficult to see how we could refuse permission for the retention of the balcony at No. 6 Queenstown Castle which has significantly less of an impact on the Protected Structure.

Water Services

No objection subject to condition.

4.2 Planning Authority Decision

The Planning Authority issued a notification of decision to grant permission for retention subject to 1 No. standard condition.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted on behalf of Tracey Taylor. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Application is invalid.
- Concerns regarding structural stability.
- The balcony to No. 6 bears onto and is supported by the masonry fabric of the parapet of the bay window structure to apartment 4.
- The balcony structure oversails and overshadows the appellant's balcony and makes it difficult to construct permitted development on her site.

- The balcony is in a state of disrepair and is incapable of being adequately maintained.
- The balcony is out of character with the protected structure.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party Response

- Notices are valid.
- Building structure belongs to Queenstown Management.
- Balcony has been constructed in a manner that has least impact and is reversible.
- The design, scale and proportions of the balcony are in keeping with other modern interventions.

6.2 Planning Authority Response

This response noted that the Conservation Officer has no objection to the existing balcony on site and requests the Board to uphold the Planning Authority decision.

6.3 Observations

None.

7.0 POLICY CONTEXT

Architectural Heritage Protection Guidelines for Planning Authorities – Guidelines for Planning Authorities 2004

- Section 7.12 relates to ensuring reversibility of alterations.

Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoned Objective A where the objective is to protect and/or improve residential amenity. There is also an objective on the lands O/O, where it is stated that 'no increase in the number of buildings permissible.'

Section 6.1.3 Architectural Heritage.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development.
2. Impact on Conservation
3. Other Matters

PRINCIPLE OF PROPOSED DEVELOPMENT

The subject site is zoned Objective A in the current Development Plan where the objective is to protect and/ or improve residential amenity. Queenstown Castle is a protected structure which has had many modern interventions and alterations over the years. Having regard to the site history, the existing residential use, and the site zoning, I consider that the retention of the existing development would be acceptable in principle, subject to all other relevant planning considerations being satisfactorily addressed.

Impact on Conservation

The principle issue in this appeal in my view relates to the impact of the balcony on Queenstown Castle. I noted on the site inspection that the front elevation of Queenstown Castle has been retained relatively intact. The building has a distinct and attractive architectural form which includes three tower features to the front as well as depressed linking battlements. I am of the view that the front elevation is of exceptional quality and reflects a high quality of architectural heritage. However the rear coastal elevation has been altered considerably and there have been many interventions over the years. I consider that the rear elevation is somewhat haphazard with a combination of different styles of interventions at different times with no distinct character.

I note the comments of the Conservation Officer that having regard to the planning history of the site and the Board's decision to grant

permission for the removal of the existing conservatories at lower ground floor and upper ground floor 'it is difficult to see how we can refuse permission for the retention of the balcony at No. 6 Queenstown Castle which has significantly less of an impact on the Protected Structure.' Having examined the site and the site history, I am in full agreement with these comments.

In terms of the visual impact of the balcony, I consider that the scale, design, and materials are in keeping with other modern interventions to the rear elevation. The alterations which have been made are not visually obtrusive, would not materially detract from the character and appearance of the protected structure and are reversible in accordance with Section 7.12 of the Architectural Heritage Protection Guidelines for Planning Authorities.

Other Matters

Validity of Application

The appellants raise concern that having regard to the very substantial increase in size of the existing balcony over the previous projecting balcony, the description in the notices as 'a modification to an existing balcony' is incorrect and disingenuous and the application should be deemed have been deemed by the Planning Authority to be invalid. I accept that whilst there is a substantial increase in size of the balcony, the notices are acceptable. I note that the Planning Authority have accepted this to be a valid application and the Board have no further role in this matter.

Construction Matters

It is stated in the appeal that the appellants are precluded from satisfactorily carrying out works for the construction of the new two storey conservatory to apartments 1 and 4. I have examined the drawings for the permission granted under PL06D.244435 and I note that these drawings clearly show the existing balcony at this location. I accept that the location of the balcony would make construction of the conservatory more difficult but do not consider that the appellant would be precluded from carrying out permitted works.

Appropriate Assessment

Having regard to the nature and scale of the development to be retained and proximity to the nearest Natura 2000 site, I am satisfied that the development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

10.0 RECOMMENDATION

Reasons and Considerations

Having regard to pattern of development in the area, the planning history of the site, and the scale and design, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Emer Doyle
19th of April 2014