



An Bord Pleanála

Inspector's Report

PL27.246011

DEVELOPMENT:- Extensions to rear, internal modifications including rooms to front, 2 no. dormer windows to front and all site works at site located in an Architectural Conservation Area at 'Mentone Cottage' and 'The Stone Gallery', Church Road, Greystones, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No.: 15/884
Applicant: Seamus Martin
Application Type: Permission
Planning Authority Decision: Grant Permission

APPEAL

Appellant(s): Paul Gallagher
Type of Appeal: Third v Grant
Observers: None
DATE OF SITE INSPECTION: 7th April 2016

INSPECTOR: Mairead Kenny

1.0 SITE LOCATION AND DESCRIPTION

The site incorporates two buildings at Church Road in the centre of Greystones town. One building operates as a commercial premises 'The Stone Gallery' which retails specialist decorative stone goods. The other 'Mentone Cottage' appears last to have been in residential use but is stated to be unoccupied at present. That building is in poor condition at roof level, where significant collapse is evident. The site is of stated area of 0.026 hectares. The stated gross floor area of the buildings is 161.39 square metres.

The Stone Gallery and Mentone Cottage are part of a short terrace of former single cottages, many of which are now in commercial use and have additional accommodation at first floor level. To the south-east there is a restaurant which extends to cover almost all of its plot. To the rear (east) of the site is a vacant plot, subject of a recent appeal related to four dwellinghouses. The 6m long boundary of the site is marked mainly by a low stone wall.

A number of buildings at Church Road have been developed to incorporate dormer windows to the front of the former houses. The roof of the existing buildings on site are in their original form as viewed from the front. At the time of inspection I did not gain access to the rear of the site. The vacant dwellinghouse would not be deemed safe for occupation and the retail unit is closed off as a building site. I could see the rear of the existing buildings from the small courtyard of the adjoining restaurant and from the north and north-east at Bow Lane.

I attach photographs of the site and surrounding area which were taken by me at the time of inspection.

2.0 PROPOSED DEVELOPMENT

Permission is sought for an extension to the rear of the existing buildings and for internal modifications to provide rooms at first floor level to the front, associated dormer windows. In total an additional 89.2 square metres of commercial space is proposed. The description of the development notes a previous permission related to a new shopfront and extension.

The use of the proposed buildings is outlined in the further information submitted as:

- Mentone Cottage – ground floor – studio / storage at the permitted shop
- Mentone Cottage – first floor – more office / toilet facilities at permitted offices
- Stone Gallery – ground floor studio or storage at existing shop
- No future residential use is now proposed at either building.

3.0 PLANNING HISTORY

3.1 The site

Under Planning Reg. Ref. 15/63 permission was granted at Mentone Cottage for a change of use of a dwellinghouse to ground floor retail and first floor office.

Under Planning Reg. Ref. 91/7223 permission was granted at 'The Stone Gallery' site for change of use to retail.

3.2 Adjacent lands

Under PL27.244924 the Board decided to uphold the decision of the Planning Authority to grant permission for 4 no. houses at a site to the east of the subject site.

Relevant conditions include:

- first floor balconies be omitted to reduce potential overlooking
- boundary details to be agreed and to include a 1.8m high stone boundary wall between points 1 and 2 on drawing 023615_MP_01 Rev. D.

A copy of the site layout is attached to the rear of this report and the complete file is attached.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The Planner's report notes:

- extensions are commensurate in design and scale with the existing structures
- will not result in loss of residential amenity – permitted houses on site to rear
- within the allowable plot ratio
- parking available nearby.

4.2 Third party comment

A letter of objection was submitted which addresses traffic, overlooking, overdevelopment, impact on ACA and proposals for waste management.

4.3 Planning Authority Decision

The Planning Authority decided to grant permission subject to standard conditions.

5.0 GROUNDS OF APPEAL / OBSERVATIONS

5.1 Grounds of Appeal

The main points of the appeal are:

- will exacerbate parking and traffic problems

- overdevelopment of site
- waste management provision inadequate
- incongruous in the ACA by reason of bulk, scale and design
- overlooking of permitted houses within 14.5m of rear extension.

5.2 Observations

None.

6.0 RESPONSES

6.1 Planning Authority response

None.

6.2 First party response

The main points of the first party response include:

- there is ample parking in the area and the financial contribution makes payment for further such facilities
- the plot ratio and site coverage standards were met
- only a moderate increase in refuse / recycling is envisaged
- there is little change in the external appearance and the development would be similar to others in existence
- the rear extension will not impact on Church Street due to ground levels
- details of the permitted development and planning history
- the modifications will have minimal impact on the permitted development.

7.0 POLICY CONTEXT

Greystones is a Level 3 Large Growth Town.

Under the Greystones / Delgany and Kilcoole Local Area Plan 2013 the site is within the Town Centre zoning.

The site is within an Architectural Conservation Area.

Policy HER12 is to preserve the character of ACAs in order to protect and enhance the special character and to enhance the appearance of the ACA as a whole.

8.0 ASSESSMENT

I consider that the main issues in this appeal relate to:

- impact on residential amenities
- impact on ACA
- traffic and parking
- Appropriate Assessment
- other issues.

Residential amenities

The surrounding property to the east and north is residential or permitted residential lands. The applicant owns the residential property to the north. The boundary between the two sites in effect is marked by a wall and shed on the residential site, which appears to contain two residential units. Having regard to the existing development on the site and the town centre location, I am satisfied that the development is acceptable in terms of the impact on the residential properties in the applicant's ownership.

Regarding the permitted development to the east of the site I note that the third party appellant in that case was the owner of the current site. The boundary treatment was subject of a detailed condition and first floor balconies were omitted from the permitted houses. The subject development includes a two storey element (at The Stone Gallery), which would be positioned about 3m from the shared boundary. At the opposite side of the boundary the front façade of the permitted development would be located over 10m from the boundary.

I consider having regard to the planning history, the commercial nature of the proposed development, the town centre location and the layout of the permitted and proposed developments, there is no likelihood of significant impacts on residential amenities of nearby properties to the north and east.

A particular element of the proposal which requires some consideration is the boundary of the site shared with the permitted development. The site subject of the current appeal is 6m in length at this boundary. The requirement of the permitted development includes agreement with the Planning Authority on all boundary details including a 1.8m high stone wall along this shared boundary. The decision of the Planning Authority to grant permission under the current case does not refer to boundary details. I see no reference on the application submissions to the boundary treatment other than the caption 'existing rear boundary wall – random rubble stonework circa 1200 high (poor condition)'. In the circumstances I recommend a variation of the condition previously attached by the Board, requiring agreement on the detail of the boundary treatment and specifying a 1.8m high wall.

Impact on ACA

The development will require substantial modifications to the existing buildings including removal of the roof at the rear of The Stone Gallery to provide the additional floor level. The works also involve construction of two dormer windows to the front. The applicant's submissions note the nearby Solicitors premises which contains a two storey extension which is described as being similar to that proposed and I note the front dormer windows are similar to those already in situ. Installation of a new shopfront and a replacement door at Mentone Cottage are already permitted development. I consider that having regard to the nature of the works proposed the development would be acceptable in terms of its design and scale and would not be contrary to the objectives relating to the protection of character of the ACA. A condition relating to the choice of external finishes would be appropriate having regard to the limited detailing of information proposed on some elements.

Traffic and Parking

The site of the proposed development is heavily trafficked but the relatively high volumes result in traffic travelling at slow speed. I do not consider that the development would give rise to traffic hazard notwithstanding the traffic levels and congestion and the generally limited arrangements for loading and unloading of vehicles. I agree with the first party that there is sufficient parking in the general area including at the nearby Supervalu premises.

I conclude that the development is acceptable in terms of traffic and parking arrangements.

Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

Other issues

I note that the appeal includes reference to other issues including waste disposal. I do not consider that these are matters which would influence the Board's decision in this case. Nor do I consider that the matters raised require to be addressed by condition.

I consider that the level of development proposed for the site is acceptable having regard to the development plan standards, the town centre location and the nature of the proposed uses.

9.0 RECOMMENDATION

I recommend that the Board uphold the decision of the Planning Authority to grant permission for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and to the pattern of development in the area and the permitted development at the site to the rear, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the Architectural Conservation Area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 on the 23rd day of November, 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, the location and detailed specification for the boundary treatments. Unless otherwise agreed in writing with the Planning Authority details shall include a 1.8m high stone wall along the north-eastern boundary.

Reason: In the interest of the proper planning and sustainable development of the area and to protect the amenities of the area.

3. Prior to commencement of the development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and to protect and enhance the character of the Architectural Conservation Area.

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. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

6. 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 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 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.

Mairead Kenny
Senior Planning Inspector
19th April 2016