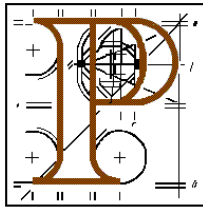


# An Bord Pleanála



## Inspector's Report

PL06D.246061

**DEVELOPMENT:-**

Removal of extensions to side and rear, refurbishment of house, internal and external alterations, widening of vehicular access and all associated site works at no. 22 Waltham Terrace (protected structure), Blackrock, Co. Dublin.

**PLANNING APPLICATION**

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15A/0672  
**Applicant:** Philip Brereton & Leonie McDonald  
**Application Type:** Permission  
**Planning Authority Decision:** Split decision

**APPEAL**

**Appellant:** Philip Brereton & Leonie McDonald  
**Type of Appeal:** 1st-V-Refusal  
**DATE OF SITE INSPECTION:** 12th April 2016  
**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.1 hectares, is located to the west of Blackrock and on the western side of Waltham Terrace. The site is occupied by a two-storey semi-detached dwelling. Immediately north is no 20, which is the other dwelling that makes up the pair of semi-detached dwellings the site is part of. To the south is no. 24, which is also a similar two-storey semi-detached dwelling to that on the appeal site. To the west is an existing detached dwelling with a sizeable curtilage.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for removal of the single-storey extension to the rear and two-storey extension to the side and construction of new two-storey extension to the side and a single-storey extension to the rear. The proposed extension has a total floor area of 58sqm. It is proposed to carry out internal and external modifications including widened openings/doors to link the extensions to the main dwelling, new openings at ground and first floor, new first floor window to the rear, removing non-original concrete floor slab to ground level, replacing existing bathroom fittings, addition of some new partitions and removal of mainly non-original internal partitions and relocation of kitchen. The proposal entails general refurbishment of the existing house including repairs to the windows, facade and roof. It is also proposed to widen the vehicular access to 3.5m.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- (a) Transportation Planning (01/12/15): No objection subject to conditions.  
(b) Surface Water Drainage (13/11/15): No objection subject to conditions.  
(c) Conservation Officer (16/11/15): No objection to most of the proposed development apart from the two-storey extension to the side. The concern relates to the scale of the proposal and disruption of the sense of symmetry characteristic of the dwellings at this location. It was recommended that the two-storey extension to the side be refused.  
(d) Planning report (16/12/15): All aspects of the proposal apart from the two-storey extension were considered acceptable with concerns regarding impact of such on the character of the existing structure, the visual amenities of the area and the setting of an undesirable precedent. A split decision was recommended with granting of only the altered vehicular access and refusal of all extensions and alterations to the existing dwelling

#### 4. DECISION OF THE PLANNING AUTHORITY

##### 4.1 Split decision

Permission granted for the widened vehicular access subject to 4 conditions which are standard in nature.

Permission refused for extensions and modification of the existing protected structure subject to one reason...

1. It is considered that the proposed two-storey development would be visually obtrusive and would detract from the Protected Structure to a material degree and it would set an unwelcome precedent disrupting sense of symmetry, which is a characteristic feature of the original designed layout of Waltham Terrace. The proposed development would therefore materially affect a Protected Structure, would be seriously injurious to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

#### 5. PLANNING HISTORY

5.1 D98B/0254: Permission granted for a two-storey extension to the side of no. 22 Waltham Terrace.

5.2 D06A/0391: Permission refused for demolition of existing single-storey extension to the side of no. 24 Waltham Terrace and construction of a two-storey extension. Refused due to excessive scale, being visually obtrusive and impacting adversely on the character of a protected structure,

#### 6. PLANNING POLICY

6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity".

6.2 The existing dwelling on site is on the Record of Protected Structures.

6.3 The appeal site is located within a designated Architectural Conservation Area.

## 7. GROUNDS OF APPEAL

7.1 A first party appeal has been lodged by Hughes Planning & Development Consultants, the grounds of appeal are as follows...

- The appeal concerns refusal of permission for extension and alterations to the existing dwelling.
- It is noted that the proposal represents a modest extension of the existing property and would be acceptable in the context of visual impact, and impact upon the character and setting of an existing protected structure and in context of character of the designated Architectural Conservation Area at this location.
- It is noted that the proposal is acceptable in context of planning policy, land use zoning and the amenities of adjoining properties.
- The appellants note a number of examples of similar proposals across the county including along the same street.

## 8. RESPONSES

8.1 Response by Dun Laoghaire Rathdown County Council

- The alterations to the vehicular access are considered acceptable; however the proposed extension was deemed visually obtrusive by the Conservation Officer and would detract from the protected structure and set an undesirable precedent.

## 9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development  
Architectural heritage/visual amenity  
Adjoining amenity  
Vehicular access  
Other issues

### **9.2 Principle of the proposed development:**

9.2.1 The appeal site is on lands zoned Objective A under the Dun Laoghaire Rathdown County development 2016-222 with a stated objective 'to protect and/or improve residential amenity'. The proposal is for partial demolition, extension, alteration and refurbishment to an existing dwelling. The proposal

is consistent with the development plan zoning objective. Residential use is consistent with this zoning objective. I would consider the principle of the proposed development is acceptable subject to the proposal being satisfactory in regards to its impact upon the amenities of adjoining properties, the visual amenities of the area, the character and setting of a protected structure and a designated Architectural Conservation Area as well as being acceptable in the context of traffic safety and convenience. These aspects of the proposal are to be addressed in the following sections of this report.

### **9.3 Architectural heritage/visual amenity:**

9.3.1 The existing dwelling on site is on the Record of Protected Structures and is part of a pair of semi-detached dwellings on a street where there is a strong pattern of development with similar semi-detached dwellings on adjoining sites along the street that are also protected and within a designated Architectural Conservation Area. The proposal entails demolition of a single-storey extension to the rear and a two-storey extension to the side and the construction of a new single-storey extension to the rear and a new two-storey extension to the side. The application was accompanied by a Planning and Conservation Impact Report. The report outlines the history of the structure and planning history including details of later additions to the existing structure. The report details all alterations, demolition and new openings proposed to the existing structure as well detailing the new interventions including details of materials and finishes. In terms of impact on the fabric and integrity of the protected structure, the majority of demolition concerns later additions to the existing structure whose removal would not be detrimental to the character of the existing structure, these include a two-storey extension to the side and a single-storey extension to the rear. The proposal does entail some new openings to integrate the existing dwelling with the new extension that necessitate removal of some portions of the old fabric of the protected structure. I would consider that these are minimal in nature and do not impact significantly on the integrity of the existing structure, also taken in conjunction with the refurbishment, repair and conservation works proposed the proposal is a positive development in regards to maintaining architectural heritage.

9.3.2 The main issue in regards to architectural heritage relates to the overall design and scale of the extension and its relationship with the existing structure in the context of its visual impact on a protected structure and within an ACA. The refusal reason notes that the concerns are that the extension, which is to the side and rear would disrupt the existing symmetry that is characteristic of the semi-detached dwellings at this location due to its visibility to the side of the existing dwelling and scale relative to the dwelling. The dwellings along Waltham Terrace are mainly similar two-storey semi-detached dwellings with a distinctive character and pattern of development. I would agree that any extension should have regard to such and it is clear that existing structures

are of significant architectural heritage value and the area merits its designation as an ACA. The proposed extension is to the side and rear of the existing dwelling. Although to the side of the existing dwelling, the two-storey portion of the extension is setback from the front portion of the dwelling in an attempt to ensure that the physical proportions of the existing dwelling when viewed from the public road remain intact. The extension is set back 6.1m from the front building line of the existing dwelling and extends 5.1m from the side of the front portion of the existing dwelling. The extension has a similar ridge height to the existing dwelling and is to feature a similar roof and external wall finish to the existing dwelling. The applicant/appellant has noted that there are numerous examples where similar extensions have been permitted to protected structures within the Dun Laoghaire Rathdown area. It is notable that the adjoining dwelling to the north, no. 20 (the other dwelling semi-detached dwelling of the pair the appeal site is part of off), has a similar two-storey extension to the side, albeit larger than that proposed in this case. Notwithstanding such, I would consider that overall design and scale of the proposal is satisfactory in regards to the visual amenities of the area in that the extension is subordinate in nature and has regard to the design and scale of the existing dwelling. The proposal also entails the removal of later interventions such as the bay window on the southern gable (ground floor level) with the condition and visual character of the existing dwelling enhanced. In regards to impact on symmetry and the pattern of development, I am satisfied that the setback of the extension ensures that the symmetry and pattern of development for semi-detached dwellings is sufficiently maintained. I would consider that the actual view of the structure in real terms is not the same as viewing two-dimensional plans and I would consider that the extension as proposed would not have a significant or adverse impact on the character or integrity of a protected structure or the designated ACA.

9.3.3 If there is one aspect of the proposed extension that could be better, it is the similarity to the existing structure on site. I would consider that there was scope for the extension to the side to be more distinct from the existing dwelling to provide a better understanding of what is old and what is new (possibly a more lightweight and contemporary extension). Notwithstanding such, the setback of the extension and design is such that the overall impact is generally satisfactory. It is notable that the applicant/appellant submitted alternative plans for the proposed extension for consideration in the event that the original proposal was not considered satisfactory. These plans are largely similar to the original proposal in design and layout. The main changes include a lowered ridge height (0.4m) and a change to window openings. I would consider that overall design and scale of the alternative proposal also to be acceptable in regards to the visual amenities of the area, and the character and integrity of the existing protected structure and designated ACA. I would consider that if permission is to be granted that the alternative

plans be approved as the change in ridge height provides more distinction between the extension and the existing dwelling as well as the window pattern also providing for a more clear distinction in pattern from that of the existing dwelling.

9.3.4 The proposal entails widening the existing vehicular entrance to 3.5m. The widening of the entrance is by a small amount and the pier is to be reinstated to link into the existing wall along the road frontage and match the existing one on the opposite side of the entrance. In terms of visual impact/architectural heritage the alteration would have no significant or adverse impact on the character or integrity of the existing protected structure or the designated ACA.

#### **9.4 Adjoining amenity:**

9.4.1 The proposal is for an extension to the side and rear of the existing dwelling. I would note that the footprint of the extension does not deviate from the existing pattern of development at this location and adjoining sites in terms of either front or rear building line. The extension is two-storey in nature and is not out of keeping with the scale of existing residential development. In this regard the proposal would have no significant physical impact in regards to adjoining residential properties to the north, south or west. The location and orientation of windows conforms to the established pattern of development and are all focused to the front (east) or rear (west) resulting in no loss of privacy or overlooking relative to adjoining properties. I am satisfied that the design and scale of the proposal has adequate regard to the amenities of adjoining properties.

#### **9.5 Vehicular access:**

9.5.1 The proposal entails widening of the vehicular access to 3.5m. This dimension is in keeping with the requirement of Development Plan policy for domestic vehicular entrances and would be acceptable in the context of traffic safety and convenience.

#### **9.6 Other issues:**

9.6.1 Having regard to the nature and scale of the proposed development and its 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.

## RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

## REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the nature, form, scale and design of the proposed development, and having regard to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in context of the architectural character and integrity of a protected structure, would not adversely affect the character of the adjoining Architectural Conservation Area, 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 received by An Bord Pleanála on the 21st day of January 2016, 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.

(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases



including balusters, handrail and skirting boards, shall be protected during the course of the development works.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. Water supply, 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.

4. Details, including samples where deemed necessary, of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

In addition, the developer shall note that this grant of permission does not include painting of the exterior façade walls.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

6. Demolition and construction waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. 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 noise management measures, construction-related parking, measures to prevent pedestrian/vehicular conflicts during construction works, and off-site disposal of construction/demolition waste.

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

8. 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 the 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.

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Colin McBride  
21st April 2016