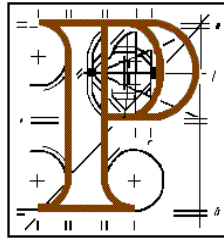


An Bord Pleanála



Inspector's Report

Development

The construction of 5 no. two-storey dwellings and the refurbishment of two-storey dwelling at "Greythorn House", Glenageary Road Upper, Glenageary, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0774

Applicant: Greythorn Developments Ltd.

Type of Application: Permission

Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Greythorn Developments Ltd.

Type of Appeal: First Party

Observer: Greythorn Park Residents Association

Date of Site Inspection: 23rd May, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by Greythorn Developments Ltd. against a decision by Dun Laoghaire-Rathdown County Council to refuse permission for the construction of five houses and the refurbishment of an existing house at Glenageary Road Upper, County Dublin.
- 1.2 The proposal comprises the construction of 2 no. four bedroom houses attached to either side of the existing house, each with a floor area of 202 square metres, the construction of a detached two-bedroom house with a floor area of 119 square metres, and the construction of two semi-detached houses, one two bedroom unit with a floor area of 119 square metres and one three bedroom unit with a floor area of 130 square metres. The existing two-storey over basement five bedroom house would also be subject to refurbishment. The proposal would include the closure of the existing entrance onto Glenageary Road and the provision of a new access from Glenthorn Park. The development would be located on a site of 0.23 hectares. The applicant is stated to be the owner of the site. The application to the planning authority included a tree survey report and an engineering drainage assessment.
- 1.3 Objections to the proposal were received from Greythorn Park Residents Association, David Sharpe, Frank Sexton, Fearghal Ó Ceallachain and Jackie Tate, Eric and Deirdre Moppett, Bellvue, Glenageary & Rochestown Residents Association, Anne Campbell, Paul Broadberry, Ann Tynan, and Joe Fleming. Concerns raised related to traffic safety, parking, overdevelopment, disturbance and nuisance to established residents, negative visual impact, impact on land belonging to Greythorn Park residents to provide access, impact on sewers, invalidity of public notices, boundary wall provisions, overshadowing, impacts on trees on adjoining public open space, overlooking, and likely conversion of the existing house to apartments.

1.4 The reports received by the planning authority were as follows:

Irish Water requested further details on water supply proposals.

The Drainage Engineer requested further details on surface water drainage.

The Transportation Planning Engineer requested further information on sightlines, entrance details, vehicular movement within the site, provision of footpaths, compliance with Council standards, provision of street lighting, and a construction management plan.

The Conservation Officer noted the existing house retains many features of architectural interest and acknowledged the provisions of Policies AR12, RES3 and RES4 of the Council's development plan. It was considered that the development intensifies the use of the site and significantly reduces the setting and amenity of the historic building, in particular House Type 1 and 2. The proposal was seen as failing to respect the character of the site and elements which contribute to its architectural and historic interest. While it was considered that the site could accommodate some form of development, the current proposals should be revised to ensure the new dwellings are more sympathetic to the amenity and character of Greythorn in line with Council policies.

The Parks Landscape Architect considered the proposals were generally acceptable in terms of compliance with development plan standards in respect of layout, open space, placemaking and landscape design. However, concerns were then raised in relation to site layout and open space provision, retention of trees, and lack of landscape design proposals. Further information was requested.

The Planner noted third party observations, pre-planning correspondence, interdepartmental reports, and development plan provisions. A wide range of issues were considered relevant to the assessment. The principle of

additional residential development and renovation of the existing house were regarded as acceptable. Concerns relating to proposed House 1 related to overshadowing of property in Laurel Hill, while concern was also raised about the impact of proposed House 5 on the amenity space of adjoining Laurel Hill residential property. Noting density provisions of the development plan, it was considered that a lower density may be acceptable having regard to the heritage value of the house and the existing trees on the site. The proposal was seen to provide an acceptable mix of house types and sizes. With regard to design, concerns were raised in relation to proximity of House 1, 4 and 5 to Laurel Hill houses and to the need to revise Houses 1 and 2 to be more sympathetic to the existing house. While the scale and height of the proposed houses were regarded as generally acceptable, setting back of Houses 1, 4 and 5 further from the site boundary was regarded as necessary. Concerns about quality and scale of open space were acknowledged. Compliance of proposed parking with the provisions of the development plan was noted. It was concluded that the proposal would negatively impact on residential amenities of residential properties to the west and on the setting of Greythorn House. A refusal of permission was recommended..

- 1.5 On 5th February, 2016, Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for two reasons relating to injury to the amenities and depreciation of the value of properties in the vicinity and the adverse impact on Greythorn House.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 23rd May, 2016.

2.2 Site Location and Description

Greythorn House is a large detached three bay, two-storey over basement mid-19th century house. The site has extensive curtilage and there are numerous trees throughout. It has frontage onto Glenageary Road and the entrance to the property is gained from this road. The eastern boundary of the property adjoins the estate road of Greythorn Park, an estate of detached dormer-style dwellings. There is a narrow planted strip between the boundary wall of the appeal site at this location and the estate road. A public open space associated with the housing estate lies immediately to the rear (north-east of the appeal site). Laurel Hill housing estate is north-west of the site and comprises low single-storey detached houses in the immediate vicinity of the appeal site. Nos. 7 and 8 immediately adjoin the proposed site.

2.3 Dún Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned 'Objective A' with the objective: "to protect and-or improve residential amenity."

Residential Development

Policy RES 3:

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Architectural Heritage

Policy AR5 - It is Council policy to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment.

The Plan also acknowledges that there are many older buildings and structures in the County, whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, are often modest buildings which make a positive contribution to the historic built environment of Dun Laoghaire-Rathdown. The retention and reuse of these buildings are seen to add to the streetscape and sense of place and to have a role in the sustainable development of the County.

2.4 Planning History

I have no record of any previous planning application relating to this site.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synthesised as follows:

Reason No. 1

Overbearing & Visual Obtrusiveness

- In reference to House No. 1, the distance between blank gable walls from standard two storey houses to adjoining single storey houses is reasonable. In addition, the gable facing west has very limited

fenestration, limited to fixed obscure small windows to ancillary accommodation. These could be omitted by way of condition.

- The boundary between properties along the west side comprises a wall in excess of 2 metres in height.
- The properties on Laurel Hill have effectively turned their backs on the boundary with the appeal site and are orientated away from the proposal. They have virtually no usable private amenity space here. To suggest injury to amenities and depreciation of property value is an exaggeration.
- Houses 4 and 5 are dormer-style, the dormers are facing away from the boundary and will not be visible from adjoining houses. All that would be visible would be a simple non-intrusive roofscape peeking above the boundary wall.

A contextual section drawing is submitted to demonstrate the proposal being in scale with adjoining properties.

Overshadowing

- A solar analysis was commissioned and is included with the appeal. The study shows that the development would have no material impact on adjoining properties.

Devaluation of Properties

- Improvement of the existing condition will only act as a positive and improve value of property in the vicinity.
- The new development would not have any negative impact on neighbouring houses.

In conclusion on this issue, the appellant has submitted minor modifications to the design for consideration by the Board, which include a

slight reduction in the size of Houses 1 and 4, increased boundary separation distances for Houses 1 and 5, and reduced heights for Houses 1 and 5.

Reason No. 2

Impact on the Setting and Amenity of the Historic Building

- Acknowledging the existing house is a substantial historic property having some architectural merit, it is in an extremely poor condition and it has a number of unsympathetic and inappropriate alterations and additions. It is not a protected structure.
- The main building would be retained as part of the proposal and would be restored to its historically appropriate condition.
- The design of the two houses attached to the existing structure is conceived as wings to the existing house and are designed to complement yet be subservient. The three new houses to the south have been designed as courtyard-style houses and along with their front garden walls forming a courtyard to the front of the main house. The brick courtyard intends to echo the walled garden courtyards of larger houses. The design is an appropriate architectural solution and provides an improved setting for the existing historic house.
- The two new houses are additional structures and do not negatively interfere with the existing structure.
- In reference to the Conservation Officer's report, it is noted that none of the windows, doors and roof coverings are original. As part of the proposal it is intended to reinstate such features in an historically appropriate way.
- The proposal is in keeping with Policy AR12.

- The only element of the existing house to be removed is a late 20th century external concrete staircase. Minor alterations would remove later modern inappropriate interventions.

In conclusion, minor modifications to the design as referred to above are again noted.

Other Considerations

The appellant raises other matters for consideration, namely inconsistency of the planning authority following pre-planning consultation and addressing issues raised in interdepartmental reports. Further to this, the appellant includes with the appeal a landscaping scheme for the development and an engineering report to clarify transportation issues raised that includes revisions to the proposed vehicular entrance. It is contended that if further information had been sought an argument could have been made that the development was in accordance with the proper planning and sustainable development of the area.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

- 4.1 The planning authority stated it remained concerned about the negative impact of the proposal on Laurel Hill properties and welcomed any proposals to reduce the bulk, scale and mass of House Types 1, 4 and 5.

5.0 OBSERVATION – GREYTHORN PARK RESIDENTS ASSOCIATION

- 5.1 The residents consider the proposal to be overdevelopment that will adversely impact on the estate road and which would inadequately

provide for private open space that will lead to subdivision of the existing house. Specific concerns raised include:

- * The parcel of land forward of the proposed entrance has been planted and maintained by residents for over 35 years. The developer does not have sufficient legal interest to carry out this part of the development.
- * The change of use of this parcel of land would be in contravention of the Council's development plan.
- * This parcel of land forms an integral part of the open space for Greythorn Park. The applicant acknowledges the boundaries of the site and this land is outside the boundary. Neither the applicant or local authority have any legal interest in the parcel of land and any proposal to grant the land to the developer has no legitimacy.
- * Existing sightlines for drivers of cars exiting Greythorn Park are deficient. It is inappropriate to add to the number of cars using this route.

The observer also addresses the appellant's appeal submission and the traffic engineering report in particular. It is submitted that the applicant cannot provide the new entrance without sufficient legal interest, that the proposed entrance would adversely affect residents opposite the entrance, refuse collection will result in obstruction to traffic, car parking provision is inadequate and overflow parking will cause obstruction, and there is concern about the stability of the boundary wall adjoining Greythorn Park.

In conclusion, the observer urges a rejection of the appeal. In the event of a grant of permission a schedule of conditions are included for the Board to attach, which includes preventing vehicular access onto Greythorn Park.

6.0 ASSESSMENT

6.1 Introduction

6.1.1 I consider the issues for consideration in this appeal relate to impacts on:

- * Greythorn House,
- * Residential amenity,
- * Green space, and
- * Traffic.

6.2 Impact on Greythorn House

6.2.1 Greythorn House is a two-storey over basement Victorian dwelling set back from Upper Glenageary Road with expansive curtilage forward of the structure. It is neatly enclosed by natural stone walls around its perimeter and is visually well screened by expansive tree and shrub planting throughout. Externally, it retains much of its original appearance in form and character, with few modern additions, notably the external staircase on its east side. The house is not a protected structure.

6.2.2 The proposed development seeks to create a terrace of two-storey houses with Greythorn being the centre dwelling. The planning authority's Conservation Officer acknowledges the house retains many features of architectural interest and views it as one which contributes to the built heritage of the county. Significant concerns are raised relating to the intensification of development on the site and the impact on the setting and amenity of the building, particularly the houses proposed to flank the existing house. The development is seen to fail to respect the character of the site and the elements which contribute to its architectural and historic interest. The appellant counters with the view that the design of the two

houses proposed to attach to the existing structure is conceived as wings to the existing house and are designed to complement yet be subservient.

- 6.2.3 Ultimately, the proposed development seeks to create a terrace of three dwellings and architecturally presents itself as such. As a consequence, there is a substantial and significant intrusion on the independent structure that presently exists in my opinion. While noting again that the structure is not a protected structure, in this location it is a structure of distinct historic and architectural merit where more modern residential development is dominant in the immediate vicinity. It is my view that Greythorn House merits its independence from the proposed additions to retain its integrity and to allow it to continue contributing in a holistic manner to the built heritage of this area.
- 6.2.4 The proposed houses flanking the existing house do not sit satisfactorily with the Victorian house, demonstrating a clear incongruity in design, with distinct conflicts arising with a mix of roof designs, wall finishes and fenestration. The existing house is subsumed by the scale and footprint of the proposed new development. This excessive imposition on the house is somewhat compounded by the extent of additional development forward of the house in the attempt to create a courtyard appearance to the development, which in itself chokes the openness readily tangible from both the public realm when observing the property from the streets in the vicinity and, indeed, more evidently when entering the driveway to the house. The roofs of the proposed houses adjoining Glenageary Road would be clearly identifiable as high pitched and the structures would extend significantly above the enclosing boundary wall, increasing the loss of the openness of the distinctive setting for the house.
- 6.2.5 Overall, it is difficult to conclude that the development strikes a reasonable balance between intensifying development within this spacious garden and respecting the character of the house that merits acknowledgement

as a structure of particular architectural and historic interest at this location. The Council's development plan policy (Policy AR5), which seeks to retain and encourage the rehabilitation and suitable reuse of existing older buildings which make a positive contribution to the character and appearance of a streetscape, is not being satisfactorily met by the direct intrusion of the proposed flanking houses and the bulk and form of the other additional units which present the scheme as one which is particularly congested, with negative impacts for the character and setting of the Victorian house.

6.3 Impact on Residential Amenity

6.3.1 The proposed development would have a significant impact on the amenity of residents in the adjoining properties at Laurel Hill. The development of House No. 1 would result in this two-storey structure being less than 4 metres from the rear elevation of the nearest Laurel Hill house and less than 7 metres from the rear of the adjoining house to the north-west. In developing this new house, there would be a requirement to clear extensive vegetation which presently masks Greythorn House from the properties to the west. While the boundary wall (some 2 metres in height around this property) will remain, it is apparent that the proximity, height and scale of the proposed house to the adjoining Laurel Hill houses will result in a very significant overbearing impact. While I accept that the degree of overshadowing would not be exacerbated greatly from that which prevails at present, I would be concerned about the degree of overlooking from first floor windows from House No. 1 to the property to the north-west given the limited separation distances. The consequences of this are that there would be a substantial loss of privacy.

6.3.2 With regard to proposed House Nos. 3, 4 and 5, I do not consider that House Nos. 3 and 4 have notable impact for adjoining residential amenity, with no likely significant adverse impacts resulting from overlooking or overshadowing. However, I acknowledge that House No. 4 has been wholly integrated in design terms with proposed House No. 5. I further consider that House No. 5 has been designed with high level windows and rooflights to address overlooking concerns. However, the proposed structure (almost 8 metres in height) would be sited approximately 6 metres from the neighbouring house at Laurel Hill and 3.3 metres from the boundary with that property, and it would have a notable overbearing impact. The combined effect of House No. 1 and House No. 5 would produce a profound effect on the adjoining Laurel Hill properties, which are low single-storey structures developed very close to the boundary wall with Greythorn House, and the negative impacts would likely depreciate the value of these properties. The development, in this context, presents itself as a significantly intrusive proposal with serious impacts on the residential amenities of the Laurel Hill properties. Acknowledging the merits of densification in this urban location, the scale, siting, design and bulk of the proposed structures as they are proposed to be developed on this site do not constitute sustainable development that protects the amenities of neighbouring properties.

6.4 Impact on Green Space

6.4.1 I acknowledge that the area between the eastern flank wall of the property of Greythorn House and the inner edge of the public footpath on the west side of the estate road at Greythorn Park has been extensively planted. I further note, however, that the observer has not demonstrated that the appellant has not sufficient legal interest to carry out the development as proposed. Determining the ownership of this strip of land and the legal

rights to its developability are matters beyond that for consideration by the Board.

6.5 Traffic Impact

6.5.1 The observer has raised concerns relating to the deficiency of existing sightlines at the junction of Greythorn Park and Upper Glenageary Road. In response to this, I note firstly that the planning authority did not determine that the proposed development would result in a traffic hazard arising from the proposal to utilise Greythorn Park as a means of access to the proposed development. I note also that the Transportation Planning Engineer raised concerns about the access onto Greythorn Park and requested further details on this but did not raise concerns about the junction with Upper Glenageary Road.

6.5.2 The junction of Greythorn Park and Upper Glenageary Road is an established junction that serves an established residential estate. The observer has provided no information to support its claim that this junction could not accommodate the additional turning movements that would be generated by the proposed development. With these observations, I do not consider that it would be reasonable to conclude that the proposed access arrangements would be likely to result in any significant traffic hazard.

7.0 CONCLUSION AND RECOMMENDATION

7.1 While I accept the principle of further residential development on this site, I am firmly of the view that the creation of a terrace of dwellings incorporating Greythorn House undermines the integrity of this house, which is a Victorian structure of architectural and historic merit that

demands more sensitive treatment in the development of the overall property. I further consider that the development of House Nos. 1, 4 and 5 in the locations proposed would significantly impact on the amenities of the adjoining residential properties at Laurel Hill. Therefore, I consider that the layout, form and design of the overall proposal do not provide for sustainable development that protects the integrity of the Victorian house and the amenities of its neighbours. It is, thus, recommended that permission is refused in accordance with the following:

Reasons and Considerations

1. It is the policy of the planning authority, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to retain and encourage the rehabilitation and suitable reuse of existing older buildings which make a positive contribution to the character and appearance of a streetscape. Greythorn House is a distinct Victorian dwelling of architectural and historic merit which makes a positive contribution to the historic built environment of the residential area in which it is located, adds positively to the streetscape and, as a consequence, has a role in the sustainable development of the area. Having regard to the contribution this established 19th century dwelling makes to the built heritage of the area, it is considered that the proposed addition of two dwellings to Greythorn House to form a terrace of dwellings would constitute an intrusion into the character of the structure, would introduce an incompatible form of development that would undermine the integrity of the established dwelling, and would conflict with the provisions of the Dun Laoghaire-Rathdown Development Plan relating to the rehabilitation of vernacular heritage and older buildings. Furthermore, it is considered that the proposed

houses adjoining Glenageary Road, by virtue of their layout, design, height, bulk and form, would adversely affect the setting and visual amenity of Greythorn House. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, and House Nos. 1, 4 and 5 in particular, by reason of their siting, scale, bulk, height and proximity to adjoining established dwellings, would result in a significant overbearing impact on neighbouring residential properties at Laurel Hill, would seriously injure the amenities and depreciate the value of property in the vicinity by virtue of overlooking and loss of privacy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

May, 2016.