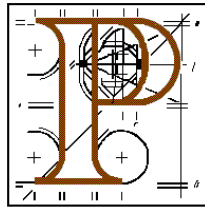


# An Bord Pleanála



## Inspector's Report

**PL06D.246301**

**DEVELOPMENT:-**

Replacement of existing porch structure with a new extension and alterations to an existing shop/office with all associated site works at 1 Brighton Road, Foxrock, Dublin 18.

**PLANNING APPLICATION**

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15A/0825  
**Applicant:** Sherry Fitzgerald Ltd  
**Application Type:** Permission  
**Planning Authority Decision:** Grant

**APPEAL**

**Appellant:** Elisabeth Guinness  
**Type of Appeal:** 3<sup>rd</sup>-V-Grant  
**DATE OF SITE INSPECTION:** 12th May 2016  
**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.025. The site is located at the heart of Foxrock Village, at the junction of Brighton Road and Westminister Court. The site is occupied by a two-storey structure in use as estate agents. Immediately to the south fronting Brighton Road is a single-storey structure housing a cafe (Michel). Immediately to the west and along Westminister Court is a split level structure housing a gallery (The Guinness Gallery). To the north of the site at the junction of Brighton Road and Westminister Court is a telephone box of considerable age that is on the Record of Protected Structures.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the replacement of an existing 4 square metre porch structure to the side with a new extension with a floor area of 11 square metres. Permission is also sought for reconfiguration of the shopfront on Brighton Road including revised shopfront windows with new shopfront joinery, provision of a single enlarged projecting window to the first floor gable wall with existing gable signage replaced by internal signage behind the new window, amended door and window openings to the rear yard to take account of changes in the internal layout, retention permission for signage and external lighting recently installed in the business rebranding of Sherry Fitzgerald and alterations to hard landscaping to the front including the removal of the low wall to the side and extension of the adjoining planter.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

- 3.1
- (a) Conservation Officer (12/01/16): No objection with the works considered acceptable in the context of visual amenity, the character and setting of the ACA and adjoining protected structure.
  - (b) Transportation Planning (15/02/16): No objection subject to conditions.
  - (c) Planning report (15/02/16): The design and scope of the proposal was considered acceptable in regards to visual amenity and the setting of the adjoining protected structure and designated ACA. A grant of permission was recommended subject to the conditions outlined below.

#### 4. DECISION OF THE PLANNING AUTHORITY

##### 4.1 Permission granted subject to 9 conditions. Of note are the following conditions...

Condition no. 3: Lettering proposed within the first floor gable window is not to be illuminated.

Condition no. 6: Special Development Contribution of €1,000 under Section 48(2)(c) in respect of the provision of on-street cycle stands.

#### 5. PLANNING HISTORY

##### 5.1 No planning history on appeal site.

##### 5.2 D13A/0524: Permission granted for alterations to existing shop, comprising increased height of shop front and installation of new bay window, entrance door and signage to replace existing; alterations to front boundary wall, forecourt paving and all associated works on the adjoining site to the west (Guinness Gallery).

#### 6. PLANNING POLICY

##### 6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'Objective NC' with a stated objective "to protect, provide for and/or improve mixed-use neighbourhood centre facilities".

##### 6.2 The site is located within the Foxrock Architectural Conservation Area.

##### 6.3 The phone box adjacent the site at the junction of Brighton Road and Westminster Court is on the Record of Protected Structures.

#### 7. GROUNDS OF APPEAL

##### 7.1 A third party appeal has been lodged by Collins Maher Martin on behalf of Elisabeth Guinness of the 'Guinness Gallery', 1C Brighton Road, Foxrock, Dublin 18. The grounds of appeal are as follows...

- The design, scale and location of the extension will obscure public views of the appellant's shop (Guinness Gallery).
- The extension breaks the established building line.

- The extension has a negative impact on the sense of space and place at Brighton Court and reduces the viability of the creation of a public plaza in the future.
- The extension reduces the width of the pavement at this location impacting adversely on pedestrians as well as reducing footfall to the appellant's business. It is noted that the width of the pavement would be below the standard required by the Building regulations for wheelchair users.
- The extent and design of the extension including the large expanse of shop window would be out of character and scale with other shops in the village.

## 8. RESPONSES

### 8.1 Response by Dun Laoghaire Rathdown County Council

- No new issues are raised in the appeal that has not already been considered in the Planners report.

### 8.2 Response from CPR Architects on behalf of the applicants, Sherry Fitzgerald Ltd.

- It is noted that the proposal will have no impacts on public views of the Guinness Gallery. There are no fixed building lines at this location.
- Although the extension is closer to the telephone kiosk it should not impact negatively on such as the new structure will be of higher quality than the existing porch.
- In regards to public space it is noted that the area at this location is insufficient in size to provide a public plaza. The extension has no impact on the width of the public footpath. It is noted that the area to the side of the appellants' property will remain open to the public. It is noted that the distance shown from the extension to the telephone kiosk was misrepresented and is 1693mm and not 1588mm as shown in the drawings (amended drawing submitted). It is noted that the minimum clear width of 1500mm under Part M is achieved.
- The extension has been designed to improve the design of the existing structure and is in keeping with the development of the village.

## 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

Footpath/public access

Other issues

**9.2 Principle of the proposed development:**

9.2.1 The proposal is for extension and alteration of an existing commercial use. The existing structure is in use as an estate agents and the proposal entails, extension and external alterations to the existing unit. The site is located in the centre of Foxrock village and the site is zoned 'Objective NC' with a stated objective "to protect, provide for and/or improve mixed-use neighbourhood centre facilities". The proposal is consistent with the zoning objective. I am satisfied that the principle of the proposed is satisfactory and subject to being acceptable in the context of visual amenity and the amenities of adjoining properties, the proposal would be in accordance with the proper planning and sustainable development of the area. These aspects of the proposal are to be assessed in the following sections of this report.

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

9.3.1 The proposal entails extension and extension alterations to the existing two-storey structure. The main aspect of the proposal is removal of an existing porch on the side elevation and a single-storey extension to the side protruding 4m, 6.5m in width and a ridge height of 3.106m. The extension is contemporary in design featuring a simple flat roof profile and being highly glazed. The existing shopfront facing Brighton Road is to be altered to tie in with such including increased glazing on the front elevation. The proposal also entails a new window and signage at first floor level on the gable and retention of a projecting sign and lighting. As noted above the site is in a designated ACA and adjoining a protected structure in the form of a telephone box to the north of the structure on site. In regards to overall visual impact, the design and scale of the extension is subordinate to that of the existing structure on site and responds well in that it is corner site (corner of Brighton Road and Westminster Court. I would consider that the simple contemporary design of the extension and the alterations to the existing shopfront and structure are not out of keeping or scale with the existing development in Foxrock Village and that the alterations proposed are an improvement of the visual appearance of the existing structure. In regards to building line, the extension is to the side and along Westminster Court along which there is a variation in building line. The proposal does break the established building line along Brighton Road. I would consider that subject to adequate conditions restricting illuminated signage, that the proposal is satisfactory in the context of the visual amenities of the area.

9.3.2 In regards to adjoining amenity, the appellants owns the existing premises (Guinness Gallery) immediately to the west of the appeal site. One of the main issues raised by the appellants concerns the fact the extension

protrudes beyond the front building line of her premises and obscures public views of such. In relation to actual physical impact, the extent of the extension does not impact adversely on the amenity of the appellant's property. I do not consider that the obscuring the view of the appellant's property from certain locations is reason to preclude the proposal. The proposed extension is within the site boundaries and ownership of the applicants and does not have an adverse physical impact on the ongoing use of the appellant's premises.

9.3.3 As noted earlier there is an existing protected structure in the form of the telephone box at the junction of Brighton Road and Westminster Court. The protected structure is to the north of the site with the appellant raising concerns that the extension, which moves the existing structure closer to the telephone box, impacts adversely on the character and setting of the protected structure. Although the proposal does reduce the level of the open area around the telephone box, the proposal still provides a reasonable level of separation between the telephone box with a footpath area of 1.693m on the southern side of the telephone kiosk as well as the 1.5m width of footpath on the northern side of the kiosk. In addition I would note that the extension to the side is reasonably lightweight/modest extension featuring a high degree of glazing. I am satisfied that the proposal would be acceptable in the context of architectural heritage with adequate regard to the character and setting of the existing protected structure.

#### **9.4 Footpath/public access:**

9.4.1 The proposal entails extension of the building to the north which reduces the width of the footpath areas to along the side elevation from 2.721m to 1.693m. As noted earlier the proposal does also entail removal of a low wall and extension of an existing concrete planter. The pavement at this location is currently quite wide and is 5m wide but is split due to the location of the telephone box. The proposal provides for a pavement width of 1.693m on the southern side of the telephone box, with 1.5m on the northern side. The Design Manual for Urban Roads and Streets, Chapter 4.3, Pedestrian and Cyclist Environment and Section 4.3.1, Footways, Verges and Strips note that the minimum recommended standard for footpaths is 1.8m. Although the pavement width exceeds this it is split by the telephone box. In this regard I would recommend that at least 1.8m is provided between the northern elevation of the ground floor extension and the southern elevation of the telephone box to comply with the recommendations of the Design Manual for Urban Roads and Streets. This can be applied by way of condition with revised plans to be submitted and agreed in writing and such would not reduce the scale of the extension significantly.

9.4.2 The proposal entails removal of the low wall, but extension of the planter box. I would consider the removal of the low wall to be acceptable as it removes an obstruction and will improve pedestrian facilities at this location by removing such an obstruction. I would recommend against the extension of the planter box as it obstructs pedestrian movements towards the adjoining unit. In this regard I would recommend a condition to this effect be applied in the event of a grant of permission.

## **9.5 Other issues:**

9.5.1 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 visual amenity of the area, the amenities of adjoining properties, would be acceptable in context of the architectural character and integrity of a protected structure and would not adversely affect the character of the designated Architectural Conservation Area. 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, 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 proposed development shall be amended as follows...

- (a) The level of the projection of the extension to the north shall be reduced with the provision of a minimum width of 1.8m between the northern elevation of the extension and the southern elevation of the existing telephone box.
- (b) The existing low wall shall be removed and the existing planter shall not be extended eastwards with the area kept unobstructed.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of pedestrian movement and to comply with the recommendations of the Design Manual for Urban Roads and Streets.

3. The signage on the gable at first floor level shall not be illuminated. No other signage or lighting apart from that illustrated on the plans submitted shall be permitted unless subject to the provisions of exempted development or to a subject further grant of permission.

Reason: In the interests of visual amenities.

4. 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.

5. 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.

Reason: In the interest of visual amenity.

6. 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.

7. 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.

8. 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.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the provision of 2 no. on-street Sheffield Type cycle parking stands in the vicinity of the post office.. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

10. 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  
13th May 2016