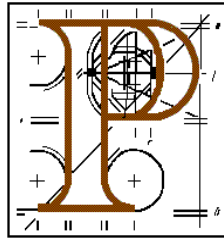


An Bord Pleanála



Inspector's Report

Development

Alterations and extension to Willow Cottage, Westminster Road, Foxrock, Dublin 18.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0837

Applicant: Paul & Siobhan Kiernan

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Anna & Greg Martin

Type of Appeal: Third Party

Date of Site Inspection: 16th June, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Anna and Greg Martin against a decision by Dun Laoghaire-Rathdown County Council to grant permission to Paul and Siobhan Kiernan for alterations and an extension to an existing house, Willow Cottage, at Westminster Road, Foxrock, Dublin 18.
- 1.2 The proposal comprises alterations and the provision of a new roof to an existing extension to the front of Willow Cottage and the construction of an extension to the rear within the garden and linked to the cottage by a glazed link. The proposed extension would provide living, dining, kitchen and ancillary accommodation. The existing cottage would provide a hall, three bedrooms and a self-contained granny flat. The proposal would also provide for an increase in the width of the vehicular entrance onto Westminster Road and a new pedestrian entrance. The area of the proposed extension would be 133 square metres and 167 square metres of existing cottage would be retained. The site comprises an area of 0.13 hectares. A covering letter was submitted with the application explaining the need for the proposed development and stating that the proposed granny flat would be provided for the applicants' elderly parents.
- 1.3 An objection to the proposal was received from Anna and Greg Martin and this raised concerns in relation to impact on residential amenity and effects on an area of conservation.
- 1.4 The reports received by the planning authority were as follows:

The Drainage Engineer had no objection to the proposal subject to conditions.

The Transportation Planning Engineer had no objection subject to conditions.

The Planner noted the zoning provisions for the site and that the site is located within the boundary of Foxrock Architectural Conservation Area. The objection, the planning history of the site and departmental reports received were also noted. It was stated that comments were received from the Conservation Department via email stating there was no objection to the proposed development subject to conditions. It was considered that the proposed modifications to the front of the house would improve the appearance of the property. It was submitted that the proposed granny flat could easily be subsumed back into the main dwelling. The alterations

were considered acceptable and in accordance with development plan provisions. It was submitted that the proposed extension to the rear would not have an undue overshadowing or overbearing impact on property to the north-east and its contemporary design was welcomed. Comments from the Conservation Division were provided which considered the proposal acceptable and that it would not have a negative impact on Foxrock ACA. The proposed gateway provisions were also found to be acceptable. A grant of permission was recommended subject to conditions.

- 1.5 On 22nd February, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 15 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 16th June, 2016.

2.2 Site Location and Description

The site is located on the south side of Westminster Road and west of its junction with Gordon Avenue. The front boundary of the site with Westminster Road comprises a mature hedgerow which restricts visibility of the property from the public road. Willow Cottage is a long single-storey semi-detached cottage built in the Arts and Crafts style with curtilage comprising a long garden at right angles to the cottage on its south side. The cottage has been extended to the front and this extension has a flat roof. The property has a vehicular access onto Westminster Road and a second entrance from Kilteragh Pines to the south-west. The abutting semi-detached house to the east, "Currane", is a two-storey house and comprises the appellants' property. The back garden of the latter property runs along the north-eastern boundary of the appeal site. Willow Cottage also adjoins a single-storey house to the west. The rear boundary of the appeal site adjoins the rear garden of No. 19 Kilteragh Pines.

2.3 Dun Laoghaire County Development Plan 2016-2022

Zoning

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

Architectural Conservation Area

The site is located within the Foxrock Architectural Conservation Area.

Policy AR12: It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

Development Management

Extensions to Dwellings

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

'Family Member/Granny' Flat Extension

These will be assessed against the criteria applied to 'normal' domestic extensions. The Planning Authority will generally consider such sub-division and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Proposals should be:

- Interlinked with the primary dwelling and capable of being readily subsumed back into same.
- Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.

Permission will normally be on condition that:

- The flat can be subsumed back into the main dwelling when it is no longer required.
- It shall not be let or sold, other than as an intrinsic part of the overall property.
- Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

2.4 **Planning History**

P.A. Ref. D15A/0572

Permission was refused for a two-storey extension due to adverse impact on adjoining property.

3.0 **THIRD PARTY APPEAL**

- 3.1 The appellants reside in the adjoining semi-detached dwelling “Currane”. The grounds of the appeal may be synopsised as follows:

Overdevelopment of Architectural Conservation Area

- The proposal would not be considered subsidiary in scale to the main building.
- The development would compromise the amenity of “Currane” as it would be visually intrusive and overbearing due to its scale, height, length and close proximity to the boundary wall.

- The proposal is contrary to the Foxrock ACA as it does not take into account the impact together with permission for development to the rear of “Currane” and the negative impacts of both resulting.
- The western boundary wall of “Currane” will be boarded by a 4m high gable wall of 15m in length and 90cm from the boundary wall and the southern boundary will be boarded by a 6m high wall for 14m on the ground floor and 11 metres on the first floor. This is in a garden approximately 20m long and compromises its amenities.
- Concerns are also raised in relation to maintenance of screen planting and laying of foundations in proximity to boundaries.

Impact on Trees and Planting

- No regard was given to the boundary wall and the removal of plantation or protection against removal. Due regard was not given to the extent to which new structures are set back from site boundaries.

Loss of Amenity and Visual Impact

- Little regard was given to “Currane” in the application. The extension does not appear subsidiary to the main building. Due to its scale, bulk, height and extent along the shared boundary for a distance of 15m the extension would be visually intrusive, overbearing and would result in loss of amenity.
- The kitchen of “Currane” is on the boundary wall and the appellants would be looking out onto the intrusive and overbearing structure.
- The revisions since the last application that was refused are not sufficient to warrant a grant of permission.

It is submitted in conclusion that a landscape consultant or arborist should have been required to detail the boundary plantation and a condition should have been attached with the permission ensuring the plantation would be protected.

4.0 APPLICANT'S RESPONSE TO THE APPEAL

4.1 The applicants' response to the appeal may be summarised as follows:

- The extension is sensitive to the existing building and is in keeping with the character and appearance of the area.
- The extension will be 3m high where it adjoins the boundary with Currane and, due to the fact that it is single-storey and part screened by an existing wall and hedge, it will have little or no impact on Currane or its garden. A shadow diagram analysis is attached as part of the submission indicating no overshadowing of the neighbouring garden. The proposal has been designed with no windows facing the east boundary and the elevation will be in a soft clay brick. There would also be a 900mm separation to the existing boundary at the nearest point.
- It is noted that the permitted development to the south of Currane was subject to planning permission and met the planning criteria set out in the development plan.
- The initial 10m length of the boundary with Willow Cottage from the rear of Currane is formed by a 1.8/2m high brick wall. The proposed extension would be set back 3.7/2.7m from this boundary. After this the boundary is defined by a post and wire fence and a mixed hedge which is 3m high on average. The proposed extension next to the hedge would be 3.1m high. The 'pop up' section of the proposed extension is 3.9m high but is set back a further 3.3m from the boundary. The proposed height adjoining the boundary is appropriate and does not affect the amenities of the adjoining garden.
- It is proposed to protect trees and shrubs as far as possible and existing planting would be supplemented with a mix of planting.
- The proposed extension is not overdevelopment, is a modest single-storey extension on a large site.
- The view from the kitchen window in Currane will be of the existing side 2m high boundary wall and the proposal would not be visually intrusive or overbearing. The scale, size and height have addressed the previous reasons for refusal of the previous application.

- There is an immediate requirement to have a granny flat as proposed to accommodate the applicants' elderly parents who reside in unsuitable accommodation.
- The existing house requires renovation and upgrading to deal with damp and water ingress.

5.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

- 5.1 The planning authority submitted that the grounds of appeal do not raise any matter which would justify a change of attitude to the proposed development.

6.0 APPELLANTS' RESPONSE TO APPLICANTS' RESPONSE TO APPEAL

- 6.1 While not replacing the original objection to the proposal, the appellants submit potential proposals for consideration that comprise the replacement of the existing boundary chain link fence with a 3m high block wall and a requirement for the applicant to submit a screening proposal to replace existing plants and to supplement screening proposed.

7.0 ASSESSMENT

7.1 Introduction

I propose to consider the issues of relevance to the appeal under the following headings:

- The development in the context of existing plan provisions, and
- The impact on adjoining property.

7.2 The Development in the Context of Plan Provisions

Foxrock Architectural Conservation Area

Extensions

- 7.2.1 The ACA for Foxrock states that extensions and all new build that impacts on the street facing elevations of buildings within the ACA will require planning permission. It is noted that the proposal seeks to alter the front of Willow Cottage by the provision of a new roof to replace the existing flat roof extension and that it is also proposed to widen the vehicular entrance and provide a pedestrian access. It is first acknowledged that there are no third party concerns raised in relation to these components of the proposed development. I also acknowledge that there are no conservation concerns or other planning concerns raised in relation to this part of the proposed development by the Conservation Officer or the planning authority. The roof alteration is considered acceptable and does not undermine the character of Willow Cottage when viewed from the public realm. Views of Willow Cottage from Westminster Road are all but obscured due to the front boundary hedgerow that is due to be retained. The impacts arising from the access changes can reasonably be considered to be very minor and will not cause any notable adverse impact for the wider ACA.
- 7.2.2 The Foxrock ACA provisions further state that proposals for the alteration or extension of properties within the ACA will normally be acceptable where they are sensitive to the existing building, are in keeping with the character and appearance of the area, and where they will not compromise the amenities of adjacent properties. It is noted that the proposed extension to the rear provides a distinct contemporary addition that would contrast with the Arts and Crafts style of the main house. There is clearly no imitation in the new design and it would remain legible as a later addition over time. This is a welcome approach that is wholly in keeping with the *Architectural Heritage Protection Guidelines for Planning Authorities* published by the DoEHLG which considers, in reference to extensions to buildings of special interest and to development in ACAs, that, generally, attempts should not be made to disguise new additions or extensions and to make them appear to belong to the historic fabric (para. 6.8.3). This component of the proposed development forming the extension to the rear would not be visible from the public realm and would,

thus, not undermine the character and appearance of the wider ACA. I will consider the impact on the amenity of the adjacent properties in the following section of this assessment.

7.2.3 The Foxrock ACA also requires that any proposals for extensions should be subsidiary in size and design to the main building and be of appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. It is also required that very careful consideration is given to alterations and extensions affecting the roof of a property as these have the potential to significantly impact on the character and appearance of the ACA. With regard to the latter, I note that the proposed extension to the rear has been carefully designed so that it would not interfere with the roof of Willow Cottage, with the design incorporating a glazed link. I have already alluded to the proposed contemporary design and consider the appropriate use of materials would be applied in this instance which would not undermine the character of the main house. Contrary to the submission of the appellants, I am of the view that the proposed rear extension is distinctly subsidiary to the main house. The potential to provide additional accommodation on this property is somewhat limited given the narrow and elongated form of the main house. The ability to provide development at first floor level has previously proven to be particularly problematic as evidenced by the previous refusal of permission. The opportunity to provide additional habitable space to the rear has been successfully designed in this instance, in my opinion, where the floor area of the proposed extension remains significantly below that of the main house and where the height and overall proportions of the proposed development does not intrude upon the form and character of the established structure.

Dún Laoghaire-Rathdown County Development Plan

Architectural Conservation Areas

7.2.4 Further to the above considerations, the proposed development can reasonably be viewed as being in keeping with Policy AR12 of the County Development Plan, as it would not adversely impact on the character and special interest of the Foxrock ACA, it is appropriate to the character of the area, and it is a high quality development of appropriate scale and is of contemporary design.

Extensions to Dwellings

7.2.5 I note the County Development Plan provisions as they relate to extensions to dwellings. The proposed ground floor rear extension is considered to be in keeping with the Plan requirements in terms of its length and height relative to the main house and is designed not to impact on adjoining boundaries. Furthermore, the open space remaining in the back garden adequately meets the needs of occupiers of the dwelling.

'Family Member/Granny' Flat Extension

6.2.6 I note that there are no third party objections to the provision of a granny flat as part of the alterations to the main house and no concerns have been raised by the planning authority on this provision. The development is clearly interlinked with the main house and can readily be subsumed back into it when not required. The justification for the granny flat has been provided, with that component of the development being required for Siobhan Kiernan's elderly parents who are stated to be in unsuitable accommodation at present. This component of the proposed development can be suitably controlled by way of the attachment of a condition with any grant of planning permission to ensure it is not sublet or sold separately.

7.3 Impact on Adjoining Property

7.3.1 I note that there is a boundary wall separating Willow Cottage from Currane running from the rear of these structures and this takes the form of a brick wall that is approximately 1.8m in height. The wall runs for some 10m from the rear of the Currane property. That part of the proposed extension from the rear elevation of Willow Cottage would be set back some 3m and more in parts from the boundary for a distance of approximately 7m before the extension is widened to be 0.9m from the boundary wall/hedge. The proposed extension would be 3.1m high along this flank and would rise to 3.9m some 3.3m distant from the boundary. Having regard to this, it is apparent that the boundary wall and established hedging would provide a significant screen for the occupants of Currane. The approximate 1.3m height of the extension above the height of the wall and the recessed, slightly more elevated section, being 3.3m distant, could not be conceived as compromising the amenity of the neighbouring property by way of creating any significant overbearing impact on the residents of Currane.

- 7.3.2 I note that the development would be wholly set back from the established boundary and would not likely cause any structural or other concerns. It is further noted that existing screen planting is sought to be retained and would be supplemented where required. The appellants' proposal to replace the current boundary provisions with a 3m high wall is not warranted and, indeed, it would likely reduce the amenity enjoyed with the retention of existing screening and proposed supplemented planting. Furthermore, it is evident that concerns about the visibility of the limited extent of the proposed extension above any section of the boundary wall/fence could also be curtailed somewhat by the appellants potentially providing additional planting along their boundary with Willow Cottage, if so desired.
- 7.3.3 I acknowledge that the proposed rear extension has been designed such that there are no gable windows to habitable rooms facing the boundary with Currane and, given the single-storey nature of the development, the existence of the boundary wall and the proposed design, the proposed development would not cause any concern in relation to overlooking.
- 7.3.4 I note the configuration of the site, the layout of the existing structure and the orientation of the proposed development relative to adjoining property. I have examined the shadow analysis provided by the applicants in response to the appeal submission. I am satisfied to conclude that the single-storey rear extension would not have any significant adverse impact on the adjoining property by way of overshadowing.
- 7.3.5 Overall, having regard to the above observations, it can reasonably be determined that the proposed development would not have any significant adverse impact on the amenities of the adjoining residential property.

8.0 RECOMMENDATION

I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the siting, design and limited height of the proposed development and to the existing boundary screening between Willow Cottage and Currane, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously

injure the residential amenities or depreciate the value of properties in the area, would not adversely affect the designated Foxrock Architectural Conservation area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. Prior to the commencement of development, details of the external finishes of the proposed extensions shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

2. The granny flat shall not be sold or let as an independent living unit and shall revert to a use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

3. The disposal of surface water, the provision of gates and alterations to the footpath at the vehicular entrance 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. 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. The contribution shall be paid within one month of the date of this Order, 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 Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kevin Moore

Senior Planning Inspector

June, 2016.