



An Bord Pleanála

Inspector's Report

PL06D.246367

DEVELOPMENT:- Relocate double gates and erect railings along the boundary to St Ita's House, a protected structure at 1-3 Weavers Place, Blackrock, Co. Dublin.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. No.: D16A/0011

Applicant: Moran Park Homebuilders Ltd

Application Type: Permission

Planning Authority Decision: Grant Permission

APPEAL

Appellant: Fredrick and Lydia Gilligan and others

Type of Appeal: Third v Grant

Observers: None

DATE OF SITE INSPECTION : 4th July 2016

INSPECTOR: Mairead Kenny

1.0 SITE LOCATION AND DESCRIPTION

The site comprises a very small narrow strip of land between three recently constructed houses and a large detached period house, St Ita's, which is a protected structure with access from a route to the west of the site off Holly Park Avenue. The three dwellinghouses in situ are known as 1-3 Weavers Place. These are positioned adjacent an established residential cul de sac called Park View in the inner suburban location of Blackrock. Access to the houses is from Park View. The estate road at Park View, which is to the east has been extended.

There were no railings or gates in situ at the time of inspection. The forecourt area to the front of the houses is formally laid out with a tarmac road surface, concrete kerbs and defined parking spaces. The boundary between the newly constructed houses and the protected structure comprised only a timber fence running along the rear garden of one of the houses as well as immature planting and a low post and wire fence, which is not continuous. The part of the boundary subject of the current application and appeal is of overall length of 17.7m.

Photographs of the site and immediate vicinity, which were taken by me at the time of my inspection are attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought to erect double gates and railings along the boundary with the protected structure St Ita's. The development is described as the relocation of these gates from the previously permitted position to the east of three recently constructed dwellinghouses. The gates would now be to the west of the houses.

The application drawings show that the proposed 1.7m high mild steel railing and timber gates would fill the existing undefined boundary between St Ita's and Weaver Place. A 'selected hedge planting' is proposed.

3.0 PLANNING HISTORY

Relevant applications include the following.

Planning Reg. Ref. D06A/1135/E – extension of duration until 20/12/2016 of the parent permission for three houses with access from Park View. Also change of use of St Ita's from residential to office retaining access from Holly Park Avenue.

Planning Reg. Ref. D13A/0502 relates to minor façade and internal alterations.

Planning Reg. Ref. D16A/0098 relates to an application for a change of use from office to residential. Permission was granted on April 13th 2016. No appeal has been lodged. Regarding use of the access the following condition applied.

The purpose/usage of the access to St. Ita's House from Weavers Place shall remain as an occasional service access and shall not be for daily use.

REASON: In the interests of the proper planning and sustainable development of the area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Drainage Planning Section – no objection.

Transportation Planning Section – no objection.

Conservation Officer – no objection.

4.2 Third party comments to Planning Authority

In summary these refer to nature of the boundary treatment which is considered to be out of character, failure to complete site landscaping, construction of extended access road to lawn of St Ita's and safety for children playing.

4.3 Planning Authority Decision

The Planning Authority decided to grant permission subject to conditions including:

- condition 3 – access shall remain as an occasional service access
- condition 4 – revised plans to indicate a three metre wide entrance and piers recessed two metres to include a transparent / unobstructed boundary on both sides of the proposed entrance in order to provide visibility to adjacent exiting parked vehicles and Weaver's Place in general, in the interest of traffic and pedestrian safety.

5.0 GROUNDS OF APPEAL / OBSERVATIONS

5.1 Grounds of Appeal

The main points of the third party appeal are:

- constitutes a serious threat to the lives of residents of Weavers Place

- planning conditions are obscure including in relation to the meaning of 'occasional' and 'service access'
- detrimental to the protected structure
- no need for access to St Ita's which is available from Holly Park Avenue
- Weavers Place is now in daily use to access St Ita's as the access to Holly Park Avenue is blocked – overspill parking has resulted
- Unauthorised developments including new gravel road not being pursued
- condition 4 cannot be complied with as neither the railings or gates provide for transparent or unobstructed conditions
- condition 4 does not address safety of children
- there is no difference in ownership of the roadway, which is attached to St Ita's
- statement that defined boundary should be erected is in contravention of previous application – was agreed by all parties at that time that a boundary would disrupt the open sylvan character of the protected structure
- a proposed boundary was specifically required to be removed by the Planning Authority under that previous application and this fact was relied upon when purchasing our houses
- the position of the Conservation Officer is not clear.

5.2 Observations

No observations were submitted to the Board.

No comments were received from the prescribed bodies.

6.0 RESPONSES

6.1 Planning Authority response

Condition 3 is to ensure that the entrance would not be for use other than occasional use. As the sites are in separate ownership it is considered that a more suitable boundary treatment is needed.

6.2 First party response

The response indicates that the site of the three dwellinghouses was previously The Old Courtyard. At the time of sale of part of the garden of St Ita's for the development of Park View and for the three recently constructed houses a vehicular entrance was retained through the Old Courtyard. A historic right of way is stated to have existed for 'horses and carriages'. As such there is no application for a new vehicular entrance – that already existed. Map enclosed.

7.0 POLICY CONTEXT

The site is governed by the provisions of the Dun Laoghaire –Rathdown County Development Plan 2016-2022.

The site is zoned objective A “to protect and/or improve residential amenity”.

St Ita's is designated as a protected structure.

8.0 ASSESSMENT

The main issues arising in this case relate to:

- the principle of access from St Ita's
- the nature of that access
- the impact on the protected structure
- safety
- conditions
- Appropriate Assessment.

Principle of access to St Ita's

Following consideration of the planning history and the submissions on file I am satisfied that the principle of a vehicular access to the rear of the original holding of St Ita's is established. In this regard I refer to the description of the development permitted under D06A/1135 which refers to 'proposed vehicular access to this residential element of the scheme is from an existing rear access from Park View'. On inspection of the site by the Planning Authority in 2011 in connection with an extension of duration of the above permission, the gates were stated to be in situ. It

is evident therefore that the original land holding of St Ita's contained a gated access to Park View.

Nature of access

In the event that the permission granted under Planning Reg. Ref. D16A/0098 is taken up and St Ita's reverts to residential use then the conditions attached to that permission apply. These include a restriction on the use of the access to St. Ita's House from Weavers Place to 'use as an occasional service access and shall not be for daily use'.

In the event that the office use is retained at St Ita's then the primary access is required to be from Holly Park Avenue. No condition required that the use of the access to Park View be limited to the residential use of the three permitted houses. While the use of the offices was not to be through Park View I consider the permission for office use at St Ita's and for the development of three houses at Weavers Place did not preclude a connection to Park View / access for servicing.

In summary in relation to the principle and the nature of the access I consider that

- the principle of an access to the rear of St Ita's is established
- the use of that access is restricted (for office or residential use) to a subsidiary function, reasonably described as a service entrance and not for normal regular use as the primary entrance.

Protected Structure

The appellant places considerable reliance on the planning history. I agree that there appears to have been a consensus that the sylvan character of the protected structure development would be enhanced by an open plan scheme and in particular that no division should be put in place between Weavers Place and St Ita's. However, in the grant of permission for minor amendments under D13A/0502 the informal arrangement envisaged under the landscape drawings submitted was altered. In particular the envisaged informal free flowing space between Weavers Place and St Ita's and including a communal gravel area to the front of the three houses was replaced (by terms of conditions 6 and 7 in particular) with a conventional layout.

In this context, where the scheme permitted involves a conventional road layout with tarmac finish, 5.5m long parking spaces and so on, I do not consider that the prohibition on separation between the two properties is warranted. I find it difficult to agree with the appellants that the development proposed is detrimental to the

character of the protected structure. Rather I am of the opinion that the separation of the rear garden from the three houses at Weavers Place would create the circumstances for restoration of its sylvan character. I therefore have no objection to the installation of railings and a gate and hedgerow planting.

Regarding the character of the protected structure the appropriate entrance to St Ita's would be from the west. The access is now altered but the house would appear to have been intended to be first viewed from that general direction, not from the general direction of Weavers Place. I refer in this regard to the copy of the historic OS map attached. Maintaining the existing entrance to the protected structure as the main access would appear to be in keeping with the character of the protected structure.

Safety

I consider that having regard to the use of the rear entrance as a service entrance for occasional use, only no safety issues arise.

Conditions

The conditions attached in the decision of the Planning Authority are generally adequate in my opinion. In view of the proposed planting I recommend that the requirement relating to a transparent / unobstructed boundary on both sides of the entrance should be omitted. I do not consider that this is necessary for an access road to be used in occasional circumstances. Neither do I consider that the gates should be set back in the normal manner, given the restricted nature of the use as recommended below.

Having regard to the limited nature of the proposed development, I do not propose to re-state the conditions relating to construction phase measures.

Regarding the proposed condition to reduce the width of the entrance to 3m this would appear reasonable in the context of the limited nature of the future use.

In relation to the impact of the development on the visual amenity of Weavers Place I do not consider that any special measures are warranted. I do not consider that a refusal of permission for reason of adverse impact on the setting or character of that residential scheme is warranted.

Appropriate Assessment

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

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

It is considered that there is an established use of the site as a secondary access to St Ita's and that occasional use of the established entrance is in accordance with recent planning history. Having regard to the pattern of development at Weavers Place particularly the formal road and parking layout, to the nature and scale of the proposed development and to the limited additional traffic which would arise, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the protected structure or diminish the visual and residential amenities or endanger public safety at Weavers Place and 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 use of the entrance shall be strictly as a rear entrance to St Ita's and shall be limited in use to serve as an occasional service access. The gated entrance shall not be used as the normal daily access to St Ita's, which shall remain through Honey Park Avenue.

Reason: In the interest of protecting the residential amenities of Weavers Place and adjacent residential areas and to protect the character of the protected structure.

3. The width of the gates shall be reduced to 3m.

Reason: In the interest of protecting the residential amenities of Weavers Place and having regard to the nature of the proposed entrance.

Mairead Kenny
Senior Planning Inspector
5th July 2016