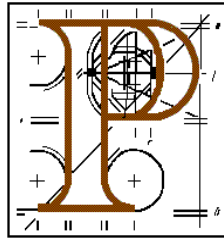


An Bord Pleanála



Inspector's Report

Development

Construction of a garage at "Rochfort", Portland Road, The Burnaby, Greystones, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Register Reference: 16/126

Applicant: Owen Owens

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Muriel Taylor

Type of Appeal: Third Party

Date of Site Inspection: 26th May, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Muriel Taylor against a decision by Wicklow County Council to grant permission to Owen Owens for the construction of a garage at “Rochfort”, Portland Road, The Burnaby, Greystones, County Wicklow.
- 1.2 The proposal comprises a detached single-storey pitched roof garage in the south-east corner of the property adjacent to the main entrance. The structure would include a double garage (36 sq. m), a utility room (9 sq. m) and wc (2 sq. m). There would also be an external veranda along the northern elevation. The finishes of the structure would seek to match those of the existing house. The application included a planning report and a drainage report. It is proposed to retain the existing garage on the site as a garage for motor cycles and garden equipment. The site comprises an area of 0.1992 hectares.
- 1.3 An objection to the proposal was received from Muriel Taylor. The grounds of the appeal reflect the concerns raised.
- 1.4 The reports received by the planning authority were as follows:

Irish Water had no objection to the proposal.

The Planner noted the site’s planning history, development plan provisions and the objection received. It was noted that a garage, finished in cladding, had been constructed in the position of the proposed garage and that it did not have planning permission. It was considered that a condition with a grant of planning permission could be attached requiring the structure to be removed. It was considered that the position of the proposed garage would not have an adverse impact on the character or setting of the Burnaby Architectural Conservation Area. The Planner referred to the applicant having a number of cars in storage and wanting to now store them on his property. There was no objection to another garage

on the site and the design was regarded as acceptable. A grant of permission was recommended.

- 1.5 On 21st March, 2016, Wicklow County Council decided to grant permission for the development subject to 5 conditions. Condition no. 2 required the removal of the existing garage at the position of the proposed garage within eight weeks of the date of the grant of permission. Condition no. 5 restricted the use to private domestic use only and not for human habitation.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 26th May, 2016.

2.2 Site Location and Description

The site of the proposed development is immediately north-west of the junction of Portland Road, Burnaby Road, Stable Lane and South Place at the southern end of the town centre of Greystones. It lies on the north side of Portland Road and is flanked to the west by Somerby Road. It comprises a large detached two-storey house with a garage in the north-east corner, a gazebo forward of the garage along the eastern site boundary, and extensive curtilage. The site is enclosed by mature trees and hedgerow. The location of the proposed development is the south-east corner of the property adjacent to the main entrance to the house. There is a recently-constructed garage-type structure, finished in cladding, at this location. There is a wide range of house types in the vicinity, with semi-detached houses to the north and detached houses east, west and south of the site. The appellant's property is on the opposite side of Stable Lane to the north-east.

2.3 Greystones-Delgany-Kilcoole Local Area Plan 2013-2019

Zoning

The site is zoned R10: Residential with the objective “To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity.”

Burnaby Architectural Conservation Area

The Burnaby is a designated Architectural Conservation Area. This includes properties with frontage onto Portland Road, Somerby Road and Burnaby Road. The Plan strategy is to protect these areas.

Objectives include:

HER12: To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The objectives to apply to ACAs include:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced

It is further stated that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged

within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter-productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

Appendix B of the Plan, in reference to The Burnaby ACA, states:

The adoption of the Burnaby Architectural Conservation Area does not preclude or prejudice against: subdivision of dwelling into apartments, extensions, change of use and/or infill development. However such development may only be permitted provided they are in accordance with the policies and objectives of the Architectural Conservation Area.

Tree Protection

Map B – Heritage Map of the Plan identifies Tree Protection Objectives locations. Appendix B lists Protected Trees and this includes T14 relating to trees on Portland Road, inclusive of the frontage of “Rochfort”. The heritage objectives of the Plan include:

HER4: To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B.

2.4 **Planning History**

There are nine previous planning applications relating to this site as referenced in the applicant’s planning report – Refs. 89441, 905513,

906049, 976180, 988090, PL 27.111298, 99470, 003513, and PL 27.126301.

3.0 THIRD PARTY APPEAL

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

- The character of the historic estate would be spoiled if the site chosen is used for a utilitarian building because all buildings are well back from front boundaries.
- The Burnaby is an ACA. References to The Burnaby in the Wicklow Draft Development Plan are made, notably in relation to the character of the area and the existing street building line.
- The proposed garage would be on a prominent corner at a corner close to the front railings. This is a dangerous junction and the building would be a hazard.
- The garage would be an eyesore, a bad fit for the Arts and Craft area. It is not right for the heritage of an expanding town to be defaced by the blank walls of a storage block turning its back on the neighbourhood.

4.0 APPLICANT'S RESPONSE TO THE APPEAL

The response to the appeal may be synthesised as follows:

- It is difficult to see how the proposal could impact on the character of the area. It is small in scale and height and set back from the boundary.

- With additional growth in surrounding trees and hedges the development will be invisible.
- The ACA specifically states that new development is not precluded.
- It is disputed that all buildings in The Burnaby are set well back from front boundaries. Examples of outbuildings on front boundaries are provided by way of photographs.
- The traffic hazard assertion is not credible. The building would be set back from the boundary with Portland Road by 2.2m and would not be visible by any road user on Portland Road or Burnaby Road and therefore would not interfere with any traffic. The garage would not interfere with visibility from Stable Lane.

5.0 ASSESSMENT

5.1 Introduction

5.1.1 I consider the main planning issues relate to the visual impact of the development within The Burnaby Architectural Conservation Area, the traffic impact arising from the siting of the development, and the relevance of an existing unauthorised shed at the location of the proposed development.

5.2 The Visual Impact of the Proposed Development

5.2.1 The proposed development would be sited behind established hedgerow at the junction of Portland Road and Burnaby Road. It would be a relative small structure, 47.4 square metres in area and 4.2m high. It is designed

to reflect that of the established dwelling, both in terms of form and finishes.

- 5.2.2 In acknowledging that the site of the proposed development is within The Burnaby Architectural Conservation Area, it is first noted that there are a range of outbuilding-type structures prevalent in the vicinity forward of established properties and, as such, the proposed development would not in itself establish any precedent by its proposed siting forward of the building line of the house. Further to this, the relevant provisions of the Greystones-Delgany-Kilcoole Local Area Plan 2013-2019 are noted. Objective HER12 of the Plan requires the character of ACAs to be preserved by controlling development to safeguard and enhance the special character and environmental quality of such ACAs. It also requires the design of development to preserve and/or enhance the character and appearance of the ACA as a whole. While the Plan encourages new development not to replicate historical architectural styles, it is evident that the Plan is not prejudiced against new development within The Burnaby ACA.
- 5.2.3 With due regard to the above, it is my submission that the proposed development would not form an obtrusive structure at this location. All but the upper section of the structure would be visible from the public realm as the established hedgerow to the east and south would greatly aid in screening the walls of the building from public view. The roof and wall finishes would harmonise with those of the existing dwelling and, as a consequence, that part of the structure visible from the public realm should not appear incongruous in its particular setting. In the context of protecting and enhancing the character and appearance of the public urban domain within The Burnaby ACA, the tree protection objective that applies to Portland Road is noted. It is acknowledged that the proposed development would not affect the protection of trees along the road at this

location. The proposal would not be visually obtrusive and, in my opinion, would not have any significant impact for The Burnaby ACA in terms of its building form, height, character, and siting.

5.3 The Traffic Impact

5.3.1 The proposed development would be sited close to the vehicular entrance to “Rochfort” at the south-eastern corner of the curtilage. It would be located 2.2m from the boundary with the footpath on Portland Road and 1.5m from the boundary with Stable Lane. It would be 4.2m in height. The garage would be wholly located within the curtilage of “Rochfort” and it would be set behind hedgerow flanking Portland Road and Stable Lane. The proposal would not interfere with available sightlines at the junctions of any of the roads at this location. The proposed development would not result in any traffic hazard arising from its siting.

5.4 The Existing Shed

5.4.1 There is an existing unauthorised shed at the location of the proposed garage. The appellant’s submission to the planning authority refers to the planning application for the garage being lodged on 5th February and that on 22nd February the structure was built, with foundations poured only days after the application. There is no record of any enforcement action by the planning authority against this development, albeit the planning authority acknowledges it is unauthorised. The planning authority sought to deal with this issue by way of planning condition attached to its decision to grant permission.

5.4.2 There are a number of matters of relevance to the proposal now before the Board. Firstly, the drawings now before the Board do not comply with

Article 23 of the Planning and Development Regulations 2001. They do not show all buildings on the land to which the application relates. Secondly, it is noted that a concrete base has been developed for the existing shed. It is not clear if this base is intended to form part of the development now before the Board for consideration. In the event that it is, there would be a requirement for this to form part of a retention application and the applicant would be required to provide adequate details and provide new public notices. In this context, it would be inappropriate for the Board to consider the grant of a permission for the proposed development in circumstances where it would consolidate unauthorised development.

6.0 RECOMMENDATION

- 6.1 I consider that the proposed development would be acceptable in terms of visual impact, effects on The Burnaby ACA and traffic impact. However, I note the unauthorised structure at the location of the proposed garage and note that matters pertaining to this require information to be obtained from the applicant prior to the issuing of any decision.
- 6.2 I recommend that further information is sought, requiring a set of new drawings meeting with the requirements of Article 23 of the Planning and Development Regulations and showing the details of the existing structure at the location of the proposed garage. In addition, information is requested as to the proposals relating to the regularisation of this development to confirm its planning status, the future intentions relating to this structure, and an understanding of whether any part of this development, including the established foundation and base of the structure, is proposed to form any part of the proposed garage. In the event that it is intended to retain any feature associated with the existing structure, the applicant is requested to submit revised public notices and

drawings reflecting accurately the nature and extent of the proposed development.

- 6.3 In the event that the Board seeks to determine the application further to the satisfactory receipt of the above necessary information, inclusive of the removal of the unauthorised structure, I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the small scale of the proposed garage, its proposed design, height and form, its siting behind established hedgerow, and its separation from public roadways, it is considered that the proposed development, by virtue of its limited visibility, would not adversely affect The Burnaby Architectural Conservation Area, would be acceptable in terms of visual amenity, traffic safety and convenience, would be in accordance with the provisions of the Greystones-Delgany-Kilcoole Local Area Plan 2013-2019, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

Reason: In the interest of residential amenity.

2. 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.

Kevin Moore

Senior Planning Inspector

May, 2016.