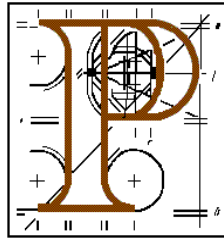


# An Bord Pleanála



## Inspector's Report

### Development

2 no. semi-detached two-storey houses, garages and ancillary site works at Pavilion Road, Burnaby, Greystones, County Wicklow.

### Planning Application

Planning Authority: Wicklow County Council  
Planning Authority Register Reference: 16/709  
Applicant: Laura, Ciaran & Maureen Hanrahan  
Type of Application: Permission  
Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Ray & Marie Van Maanen  
Type of Appeal: Third Party  
Date of Site Inspection: 5<sup>th</sup> December, 2016

**Inspector: Kevin Moore**

## **1.0 APPLICATION DETAILS**

1.1 There is a third party appeal by Roy and Marie Van Maanen against a decision by Wicklow County Council to grant permission to Laura, Ciaran and Maureen Hanrahan for the construction of two houses and garages at Pavilion Road, Burnaby, Greystones, County Wicklow.

1.2 The proposed development would comprise the construction of 2 no. two-storey, semi-detached houses and associated detached garages on a site with a stated area of 0.327 hectares. Two options were provided for the planning authority to consider. Option A comprised two semi-detached houses, one with a floor area of 243.25 square metres and a second with a floor area of 182.14 square metres. Option B comprised two houses of similar size, each 171.2 square metres in area. Each of the garages would be 30 square metres in area. The applicants are the stated owners of the site. Details submitted with the application included a covering letter, a planning statement, and a tree assessment survey.

1.3 Observations were received from Roy and Marie Van Maanen and from Brian Griffin. The grounds of the appeal reflect the issues raised.

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

An Taisce noted that a previous proposal was refused on this site and submitted that an evaluation is required to demonstrate that all issues have been resolved.

Irish Water had no objection subject to conditions.

The District Engineer requested a drawing detailing the vehicular access arrangements for both properties onto Pavilion Road.

The Planner noted the planning history for this location, development plan provisions, observations made, and reports received. It was noted that several infill dwellings have been permitted in The Burnaby in recent

years. Semi-detached dwellings and the density of development proposed were considered acceptable. Differences over previously refused proposals were identified. Noting the reduction of private amenity space for 'Gleninagh' as a result of the proposal, this was considered acceptable as a site area of 0.14 ha remained here and there was sufficient garden and circulation space. The proposed design was considered to be consistent with the character of the area and the development was seen as a proposal that would not adversely affect adjoining residential amenity. A grant of permission was recommended.

- 1.5 On 10<sup>th</sup> August, 2016, Wicklow County Council decided to grant permission for the development subject to 9 no. conditions.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 5<sup>th</sup> December, 2016.

### **2.2 Site Location and Description**

The site of the proposed development is located on Pavilion Road, in Greystones, Co. Wicklow. Pavilion Road is within the Burnaby Architectural Conservation Area, a designated historic residential garden suburb predominantly comprising large dwellings of Edwardian and Victorian character set in substantial plots and laid out in a grid pattern.

The appeal site was originally part of the grounds of Burnaby Lodge, a detached multiple-bay two-storey house built c.1905. Burnaby Lodge is situated at the corner of Saint Vincent Road and Whitshed Road with the rear boundary originally backing onto Pavilion Road. The site now forms part of the curtilage of 'Gleninagh', the family home which is a large detached house built on lands to the north of Burnaby Lodge and lying to

the north-east of the site. The location for the proposed houses comprises an area incorporating the orchard.

Pavilion Road is a cul-de-sac that provides access to a maintenance compound serving Greystones Golf Club. While older established houses are sited on the west side of this road a couple of newer houses have been constructed along its east side to the north of the appeal site frontage. The site is bounded to the south by 'Khiva', a single-storey cottage owned by the appellants and is located on the corner of Pavilion Road and Whitshed Road. The site also has frontage onto Whitshed road to the east of 'Khiva'. The frontages are defined by mature hedgerow and trees and there is an established hedgerow forming part of the site immediately east of the proposed locations for the proposed dwellings.

### 2.3 **Greystones-Delgany Local Area Plan 2013-2019**

#### Zoning

The site is zoned 'R10' 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.

#### Architectural Heritage

The site is within the Burnaby Architectural Conservation Area.

Objectives for built and natural heritage are contained within Section 9.2. Objective HER12 seeks 'to preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. Objectives that apply to ACAs include:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.

- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- 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.'

It is also considered in this Section 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 counterproductive 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.

#### 2.4 **Planning History**

##### ABP Ref. PL 27.243868

Permission was refused by the Board for a two-storey dwelling and garage in 2015.

##### ABP Ref. PL 27.245360

Permission was refused by the Board for a two-storey dwelling and garage in 2015.

##### P.A. Ref. 16/252

Permission was refused by the planning authority for a pair of semi-detached houses and detached garages in April, 2016.

### **3.0 THIRD PARTY APPEAL**

3.1 The appellants reside at 'Khiva', Pavilion Road immediately to the south of the proposed site. The grounds of the appeal may be synopsised as follows:

- \* The application is almost identical to the previously refused application.
- \* There are significant differences between the proposed development and that referenced by the Planner at Portland Road as being a precedent.
- \* Proposed site curtilages remain the same as those previously refused at the site. The site area is contrived to comply with zoning objectives and the private open spaces are of little use as amenity space because of configuration, distance from and lack of visual relationship with the proposed houses.
- \* The proposal produces high density suburban development, contrary to the objective to protect, safeguard and enhance the Burnaby Architectural Conservation Area (ACA), which would result in a cramped and uncharacteristic pattern of development along Pavilion Road.
- \* The proposal fails to address the Board's previous reason for refusal for development on this site in terms of injury to visual amenity and the ACA.
- \* It is an unsuitable urban design in the ACA contrary to the settlement pattern of individual houses within large curtilages with mature trees and shrubs. It would be out of character and would set a bad precedent.

- \* The proposal will result in the felling of c. 20 trees contrary to the objectives of the ACA. The need for the relocation of the proposed driveway is emphasised.
- \* Burnaby Lodge merits protection, which should include its curtilage and extensive garden. The proposal significantly reduces this curtilage.
- \* The proposal, due to its mass, height and proximity to “Khiva”, would seriously injure its residential amenities by its dominance and overlooking, exacerbated by tree and shrub clearance. First floor side windows will also overlook the property, as will the veranda and main doorway on the southern elevation.

#### **4.0 APPLICANT’S RESPONSE TO APPEAL**

##### 4.1 The applicant submitted:

- \* The density proposed equates to approximately 6 units per hectare, below the maximum permissible density. It would result in 6 dwellings on 0.9024 ha of original Burnaby Lodge lands. The proposal is 55m from Burnaby Lodge. The development would be in keeping with the ACA and would not seriously injure adjoining residential amenity.
- \* The proposal provides two substantial gardens, with separation between the development and ‘Khiva’ being 11.372m. The proposed front and rear gardens are far in excess of the adjoining houses on either side.
- \* The applicants are willing to accept a condition requiring site boundaries to be fully implemented and retained.

- \* The proposal fully addresses the Board's previous reason for refusal, developing out the entire site with semi-detached houses with ample site sizes.
- \* Semi-detached houses are in keeping with the ACA. Pavilion Road has a mix of house types. Due to the proposal's design, scale and finished floor level, it would have minimal impact when viewed from adjoining roads or dwellings.
- \* No Category 'A' or 'B' trees would be removed and thus there will not be an impact on the character of the ACA.
- \* The proposal has appropriate separation distance from 'Khiva', provides an appropriate building line and, due to finished floor level, scale and massing, will not have an injurious impact on 'Khiva'.

## **5.0 ASSESSMENT**

5.1 I consider the main issues of relevance are:

- the proposed development and previous proposals,
- the impact of the proposed development on The Burnaby ACA,
- the impact on the residential amenity of adjoining property, and
- the loss of trees.

### **5.2 The Proposed Development and Previous Proposals**

5.2.1 I note previous proposals determined by the Board under appeal, namely Appeal Refs. PL 27.243868 and PL 27.245360. These proposals comprised individual detached two-storey houses on different plot



configurations. The relevance of the conclusions drawn by the Board for the current proposal in terms of impact on the ACA will be referred to in the next section of this assessment.

5.2.2 I further note the planning authority's decision under P.A. Ref. 16/252, a recent decision for two semi-detached houses on a site that equates with the appeal site. The planning authority decided to refuse permission for that development because it was considered that the proposed site layout would result in a cramped and uncharacteristic pattern of development along Pavilion Road. That proposed site layout equates with the site layout which the planning authority proceeded to permit under the current application now before the Board. There have been no changes to the site layout. Having regard to this being the decision of the planning authority, the appellants are correct in drawing the attention of the Board to the inconsistency of the planning authority by the granting of permission for the development now before it.

5.2.3 I acknowledge that, in addition to the site layout, the proposed design of the houses relating to the previous application was found to be out of character with the existing character of semi-detached houses within The Burnaby. That previous proposal was similar to Option A in the application now before the Board. Option B evidently comprises a change in design, primarily of some reduced scale. However, the most recent decision of the planning authority remains inexplicable when one compares the general footprint of the two developments, the building line, building depths, building heights, separation distances from boundaries, site layout, access arrangements, etc.

5.2.4 It appears that there is no justification for the planning authority changing its decision in the case now before the Board over that most recently refused by it under P.A. Ref. 16/252. The appellants would reasonably

have expected a similar decision from the planning authority to that previously taken.

### 5.3 Impact on The Burnaby Architectural Conservation Area

5.3.1 Notwithstanding the above, it is apparent that the proposal is now before the Board *de novo*. It is noted that The Burnaby is characterized widely by large detached houses on extensive plots and that this is what defines this historic residential garden suburb. I further acknowledge that a couple of new houses have been developed on Pavilion Road along its east side where subdivision of established plots has occurred.

5.3.2 While evidence exists of semi-detached dwellings in The Burnaby, the form of development in the immediate vicinity of the appeal site comprises large detached houses. It is a reasonable expectation that this form of development would continue to prevail in the interest of maintaining some semblance of the character of this important Architectural Conservation Area at this location. The Board has previously refused permission on two occasions for detached houses at this location because they each were seen to detract from the character and appearance of the ACA, being haphazard development that would result in cramped development along the street that is Pavilion Road. The proposed development does not alter such conclusions. Indeed, the form, scale and character of the development of two semi-detached houses greatly exacerbates such impacts. Furthermore, to permit such development would constitute a precedent that will be readily pursued in this important conservation area with significant changes arising for the ACA as a consequence, an ACA regarded by the Board previously as being of national interest.

5.3.3 In light of previous determinations by the Board and given the form, scale, character and adverse impacts that would result from the proposed

development, one may only reasonably be consistent and conclude that the proposed development conflicts with the Plan provisions relating to the Architectural Conservation Area.

#### 5.4 Impact on Residential Amenity

5.4.1 'Khiva' is located at the junction of Whitshed Road and Pavilion Road in a secluded site where ground levels appear lower than adjoining lands. It is well screened by judicious planting. The proposed development would lie to the north of this house, there would be a notable dense screen of hedgerow between the house and the nearest proposed house, and the latter house would have no windows along its southern gable. There would be a distance of over 11 metres between these two houses. Having regard to these observations, it is reasonable to determine that the proposed development would not be likely to have any significant adverse impacts on the residential amenities of 'Khiva' by way of overlooking, overshadowing, overbearing impact, or loss of privacy.

#### 5.5 Impact on Trees

5.5.1 I note that the proposed development would result in the loss of neat hedgerow and a number of established trees. I acknowledge the report received with the application and note that there would be no removal of Category 'A' or 'B' trees. The proposed development would result in an opening being provided in a central location along the frontage with Pavilion Road. The remainder of hedgerow could reasonably be retained. The development would result in the loss of a number of trees within the site to facilitate construction and subdivision of the overall plot. While I do not consider the necessary removal of trees and hedgerow would in themselves result in significant adverse impacts on the character of the

area, this component of the development certainly adds to the intrusion on the established character of the ACA.

## **6.0 RECOMMENDATION**

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

### **Reasons and Considerations**

The site of the proposed development is located in the Burnaby Architectural Conservation Area, a historic residential suburb developed at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, and considered to be of national interest. The policies and objectives of the Greystones-Delgany Local Area Plan 2013 – 2019 seek to preserve the character of such Architectural Conservation Areas. Having regard to the form, scale, and character of the proposed semi-detached dwellings at this location, it is considered that the proposed development would be out of keeping with the character of development in the Burnaby Architectural Conservation Area, composed mainly of low-density, large, family style homes on generous sites. Having further regard to the existing pattern of development on Pavilion Road, it is considered that the proposed development, by itself and in conjunction with other permitted development, would result in a cramped and uncharacteristic pattern of development along this street. The proposed development would, therefore, seriously injure the visual amenity and character of the Burnaby Architectural Conservation Area, would contravene the provisions of the said Local Area Plan and would be contrary to the proper planning and sustainable development of the area.

---

Kevin Moore

Senior Planning Inspector

December, 2016.

## **Addendum Report**

I note the applicants' response to the Board's Section 137 notice, the provision of two alternative design options therein, and the appellants' response to the applicants' submission.

With regard to proposed Option E, a pair of semi-detached houses, I conclude that the minor changes proposed do not alter my overall considerations set out in my original report. This form of development at this location is particularly at variance with the distinctive nature of large detached dwellings on generous sites in the Pavilion Road area and its environs.

With regard to Option F, a pair of detached houses, I note that the concerns about the cramped and uncharacteristic character of development remain with this particular option and cannot reasonably be viewed as a development option to meet with the objectives that seek to support and enhance The Burnaby ACA.

Finally, I note the planning history associated with this site and the Board's previous decisions in particular. It is my submission that consistency is paramount and there is no reasonable justification arising from the alternatives presented that would warrant a change in my original recommendation to the Board.

---

Kevin Moore

Senior Planning Inspector

July, 2017.