



An
Bord
Pleanála

Inspector's Report PL06D.247284

Development	Replacement of non-original windows and doors, extension of return bay window upwards to top floor, and downwards to make doors in place of a garden level window, internal alterations and landscape works to a protected structure.
Location	26 Clarinda Park East, Dun Laoghaire
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0358
Applicant(s)	Finola & Neil Crimmins
Type of Application	Permission
Planning Authority Decision	Grant, subject to 4 conditions
Type of Appeal	First Party -v- Condition 2(a)
Appellant(s)	Finola & Neil Crimmins
Observer(s)	None

Date of Site Inspection

16th December 2016

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located to the south east of Dun Laoghaire town centre on the eastern side of Clarinda Park East. This site is of rectangular shape and it spans between Clarinda Park East and Glenageary Road (R118). It extends over an area of 0.028 hectares.
- 1.2. The eastern side of Clarinda Park East is composed of a terrace of two storey over basement Victorian houses (Nos. 1 – 33 (inclusive)), which rise in a southerly direction. (Clarinda Park is an ACA). These houses have front and rear bay windows at upper ground and first floor levels. The house on the site, likewise, has front and rear bay windows at these levels. It is a protected structure (ref. no. 1183 on the RPS).

2.0 Proposed Development

- 2.1. The proposal would entail works to the house, which would entail the replacement of non-original windows and doors, internal alterations and landscape works. The proposal would also entail the extension of the existing column of return bay windows upwards to provide an additional one on the second floor (top floor) and downwards to provide an additional one with folding doors on the lower ground floor (garden level).
- 2.2. The house has a floorspace of 310 sqm and there would be no net change in this floorspace under the proposal.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, draft permission was granted subject to 4 conditions, including the following one, which is the subject of the current appeal:

2. Prior to the commencement of the development, the applicant shall submit the following for the written agreement of the Planning Authority:

(a) Revised rear elevation drawings indicating the omission of the proposed bay windows to the top floor and at garden level.

Reason: In the interests of the proper planning and sustainable development of the area and in order to safeguard the special architectural amenities of the building.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See Conservation Officer's Report

3.2.2. Other Technical Reports

- Drainage Planning: No objection.
- Transportation Planning: No objection, conditions requested.
- Parks & Landscape Services: No objection, condition requested.
- Conservation Officer: Following receipt of further information, the specification of replacement sliding sash windows with horns was welcomed. However, exception was taken to the applicant's continuing proposal that garden level and top floor level bay windows be added to the rear elevation of the house.

3.3. Prescribed Bodies

- DoAHRRGA: No response.

3.4. Third Party Observations

None

4.0 Planning History

The site

Referral 9116 concerning the replacement of non-original windows and doors, internal alterations and landscaping works to a protected structure: Declaration awaited.

Elsewhere on Clarinda Park East

The planning history of the eastern terrace indicates that permission was granted to replace rear bay windows at No. 8 (D14A/0635) and No. 22 (D13A/0199) and to

construct a “vertical extension to the two storey rear bay windows” at No. 15 (D07A/0773). Permission was also granted to construct a second floor rear bay window at No. 28 (D01A/0580).

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is the subject of zoning objective A, “To protect and/or improve residential amenity.” This site is also shown as lying within the Clarinda Park ACA and the subject house is one of a terrace of houses that are protected structures. This house itself is no. 1183 on the RPS. Policy AR12 and Section 8.2.11.3 and Policy AR1 and Section 8.2.11.2 address ACAs and protected structures, respectively.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

Condition 2(a) of the draft permission is appealed. The chronology of the application is outlined and attention is drawn to that portion of the case planner’s report which refers to 5 other houses in the terrace that have top floor bay windows to their rear elevations, only one of which was evidently permitted. This portion of the report also refers to the abutting returns on the rear elevations of houses comprised in the terrace as “a unified compositional device”. The applicant considers that, whereas this description may be appropriate for the front elevations of the houses comprised in this terrace, subsequent alterations to the said returns and the obscuring of the garden level of the same from public vantage points makes this description inappropriate for them.

The applicant’s justification for the bay windows at issue is summarised below:

- Apart from the two windows that would be replaced by the bay windows, all the other windows would be retained.
- The Conservation Officer raises no objection to the enlargement of the garden level window and the insertion of “French” doors. However, such works would be invasive and less in character than the proposed bay window.
- The proposal would keep the finer rooms in the house as they are and concentrate alterations on the lesser rooms in the return.
- The proposed garden level bay window would support the existing sagging bay windows above.
- The existing bay windows would be improved as part of a heightened column of bay windows, which, unlike some of the other additional bay windows on returns comprised in the terrace, would be sympathetically designed.
- The proposed garden level bay would facilitate the admission of light into the basement, wherein the existing layout would be retained.
- The wall above the existing first floor bay is admitting water and so it needs to be repaired. The proposed top floor bay window would obviate the need for such repair and it would allow flashing to be detailed into the roof rather than this wall, a preferable option from a construction perspective.
- Any adverse impact on the rear elevation of the house resulting from the proposed bays would be more than compensated for by the other elements of the current proposal.

6.2. **Planning Authority Response**

No further planning comments.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 Assessment

The applicant has appealed condition 2(a) of the draft permission. Under Section 139 of the Planning and Development Act, 2000 – 2015, the Board has the discretion to consider this condition in isolation from the remainder of the proposal. I consider that in this case such discretion should be exercised.

I have reviewed condition 2(a) in the light of the CDP, the Guidelines for Architectural Heritage Protection, relevant planning history, and the submissions of the parties. Accordingly, I consider that this condition should be assessed under the heading of conservation.

Conservation

7.1.1 Under the CDP, the subject house is a protected structure, which lies towards the southern end of a terrace of protected structures within the Clarinda Park ACA. Policy AR1(ii) states that protected structures are to be protected from any works that would negatively impact their special character and appearance and Policy AR12(ii), likewise, states that development proposals within an ACA should be appropriate to the character of that area (cf. the relevant character appraisal).

7.1.2 Section 8.2.11.2 of the CDP further advises that “Good conservation practice recommends that extensions should be “of their time” (i.e. clearly distinguishable from the original) and to a high standard of design using materials that both respect and are complimentary to the existing building” and Section 8.2.11.3, likewise, advises that “All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New development should normally be “of their time” and to the high standards of design with contemporary design encourages. “Pastiche” design should normally be avoided.” These Sections reflect the advice on extensions set out in Section 6.8 of the Guidelines on Architectural Heritage Protection.

7.1.3 Condition 2(a) of the draft permission omits the proposed garden level and top storey bay windows that, under the proposal, would be inserted below and above the existing column of two bay windows on the rear elevation of the return to the subject house. The applicants present this aspect of their proposal

within the context of the other aspects, which are non-contentious. They appear to accept that it would not be ideal from a conservation perspective, but that within this wider context it should be acceded to. They also refer to the improved lighting that the garden level bay window would afford to this level within the return and to construction considerations that would favour the insertion of the said bay windows.

7.1.4 During my site visit, I observed that the two storey over basement terraced houses on the eastern and western sides of Clarinda Road East have as a defining feature to their front elevations a column of two bay windows that serve the upper ground floor and first floor levels. Pairs of these houses have front doors that are adjacent to one another and so the said columns are likewise adjacent to one another.

7.1.5 During my site visit, I also observed from Glenageary Road (R118) that the rear elevations of the terraced houses on the eastern side of Clarinda Park East are visible. These elevations are dominated by their full height returns, which have as a defining feature to their rear elevations a column of two bay windows at upper ground floor and first floor levels. Due to the presence of rear boundary walls to the Road, the lower ground level (garden level) of these returns is not visible and, due to the presence of trees and shrubs within rear gardens, some of the upper ground floor bay windows are partially obscured. Nevertheless, the pattern of these columns of bay windows is readily apparent on passing up and down Glenageary Road.

7.1.6 The applicants draw attention to examples of the columns of bay windows that have been extended upwards to include an additional one at second floor level. During my site visit, I observed four such examples out of thirty-one comparable returns. (The end of terrace houses at Nos. 1 and 33 Clarinda Park East have a different type of design). The planning authority has commented that of these examples only one was formerly permitted and so it is not a binding precedent.

7.1.7 I have examined the planning authority's on-line planning register for the terraced houses in question. I have identified one permission to add a second floor bay window to the return of No. 28 to the south of the subject house at No.

26. This permission was granted in 2001, and so it pre-dates not only the current CDP, but also the Guidelines cited above, which were introduced in 2004. Accordingly, I accept the planning authority's position that it does not form a binding precedent.

7.1.8 I am concerned that the proposed addition of a garden level and a top storey level bay window below and above the column of two original bay windows would cause the legibility of these windows to be obscured. The above cited advice of the CDP suggests that normally a modern design approach would avoid this problem. However, in this case, I am not confident that such an approach would be at all appropriate, as it would be likely to appear anomalous and incongruous, within the context of the terrace's Glenageary Road elevation. Thus, the only way to safeguard the defining feature of the column of bay windows and hence the architectural character of the house is to omit the proposed bay windows.

7.1.9 I have considered whether a distinction between the garden level and top storey bay windows can be made. While I accept that the former as distinct from the latter would not be visible from the adjacent Glenageary Road, I am, nonetheless, concerned that the integrity of the character of the return as an integral part of the protected structure would be compromised by the addition of the proposed garden level bay window. I, therefore, consider that it should be omitted, too.

7.1.10 I conclude that condition 2(a) represents good conservation practice and that such practice can only be upheld by the omission of the proposed bay windows.

8.0 Recommendation

In the light of my assessment, I recommend that the planning authority be directed to confirm condition 2(a) attached to the permission granted to application D16A/0358.

9.0 Reasons and Considerations

It is considered that the attachment of condition 2(a) to the permission granted to application D16A/0358 is appropriate, as it would ensure that the legibility of the existing original bay windows on the return of the house at No. 26 Clarinda Park East would remain unobscured. Good conservation practise would thereby be upheld and Policies AR12 and AR1 of the Dun Laoghaire and Rathdown County Development Plan 2016 – 2022 would be complied with. Condition 2(a), therefore, accords with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

19th December 2016