



An
Bord
Pleanála

Inspector's Report PL06D.247447.

Development	Sub-divide site and construct new dwellinghouse with all associated site works within the curtilage of a protected structure at Laurel Road Churchtown, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16/0422
Applicant	Ashveer Thulseepeersad and Tracy Singleton
Type of Application	Permission
Planning Authority Decision	Grant permission
Appellant	David and Claire Ingoldsby
Observer	An Taisce
Date of Site Inspection	7 th February 2017
Inspector	Mairead Kenny

1.0 Site Location and Description

The site is located to the rear of and within the grounds of a protected structure 'Enderly House'. The site is presently accessed through the grounds of Enderly House. To the south-west of the main house is a recently constructed. The main house is presently in poor repair and appears to be largely unoccupied.

The site is of stated area of 981m². It is a distinct plot, which is surrounded by random rubble granite walls of different heights and is in overgrown condition. There are no noteworthy trees within the site. The wall at the south of the site at Laurel Road is over 2.5m high, is overgrown and in places appears to be in poor condition. The north-western edge of the site is defined by a low granite wall to the rear of which and within the lands associated with Enderly House is a row of trees. These include a mature Eucalyptus, Cedar, Beech, Silver Birch and others.

The houses at Laurel Road are detached gable fronted houses finished in brick. The entrance to the houses is contained in a porch which is set forward of the main façade. The house adjacent the subject site (no. 2 Laurel Road) is the place of residence of the appellant in this case. That house is set back from the shared boundary to accommodate a side passageway. There are two first floor windows in the side wall facing onto the site. I was advised during site inspection by the owner/occupier that these light a landing and a bathroom.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

Permission is sought to sub-divide the site and to construct a two storey dwellinghouse with a new vehicular entrance at Laurel Road. The stated floor area of the proposed house is 257.9 m². The house would be finished in render and stone and finished with a pitched roof of slate or tile. Development of the new

entrance involves removal of a section of the granite wall associated with the protected structure.

The application submissions include three dimensional images.

The application was modified by further information received by the planning authority on 30th August 2016. A further drawing is provided by the first party in response to the appeal .

3.0 **Planning History**

Under reg. ref. D14A/0322 permission was granted for a 95.5 m² single storey house subject to a limitation that its use for residential purposes be directly associated with the use of the existing house and not be sub-divided from the existing house.

4.0 **Planning Authority Decision**

Planning and Technical Reports

The **Case Planner's** report recommends further information in relation to re-positioning of the house to the west and details of the vehicular entrance. The final report states that the re-positioning of the dwellinghouse further away from the eastern boundary ensures that the amenities of residents will be protected. The retention and re-use of stone from the existing boundary wall is welcomed. Permission is recommended. As the site is enclosed by a high wall the building line of the dwellinghouse 'will not read with the existing dwellings.

The report of the **Conservation Division** notes that there are no built heritage objections. `

Transport Planning report refers to the relevant section of the development plan. No objection subject to conditions relating to the design of the entrance and other matters.

Drainage Planning Services – this refers to surface water drainage and sets out requirements.

Other reports

Irish Water refers to the requirement for a separate supply.

Third Party comments from residents of **Laurel Road** and from **An Taisce** refer to issues which are re-iterated in the appeal.

Decision

The planning authority decided to grant permission subject to conditions including:

- Omit automatic opening gates and replace with manual opening timber gates
- Surface water to be contained within the site by infiltration to a soakpit
- Contributions under the Development Contribution Scheme.

5.0 Grounds of Appeal / Observations

Grounds of Appeal

The main points of the appeal, lodged by the owner / occupier of 2 Laurel Road are:

- The plans show the location of the rubble wall at a location 1.8m south of its current position
- Either it is proposed to demolish and rebuild the protected structures or the plans do not represent the proposed development

- In either case permission should have been refused
- The placement and height of the proposed development are inappropriate
- There will be a 5.4m projection in front of the façade line of the existing houses which will result in an incongruous and visually obtrusive
- The development is out of scale with the houses on Laurel Road including by reason of its height of 9.22m, which is 1.7m higher than any other building on the road.

Observations

An Taisce refers to the submission to the planning authority which accepts that the new house will not be seen in the context of the period house Enderly. The most significant feature apart from Enderly House itself is the 2.8m high granite wall, which extends along the Laurel Road boundary. The application should be required to provide documentation in accordance with policy AR2 of the development plan assessing the place of this wall in the architectural heritage of the area together with an engineering report on the condition of the wall. A condition relating to the protection and retention of the wall would be appropriate.

6.0 Responses

Planning Authority response

The planning authority indicates that there is no change of attitude in relation to the proposed development and refers the Board to the Case Planner's report.

First / Third Party response

The response on behalf of the applicant notes the design rationale, which included avoidance of overlooking and reflecting the context of the neighbourhood while also making use of the large corner site. Due to the 2.8m high wall the house will

not be read in the same context as the existing buildings. The proposed house is now located 5.7m away from the appellant's house. Drawing enclosed.

Other comment

The appellant has responded to the effect that the height and bulk of the building are emphasised by the position of the building. The application has been submitted in three versions of site plans and these contain errors which make it impossible to know where the building will be placed. The applicant's right to build across the verge should be documented. The rubble wall is a protected structure and there is existing access from Beaumont Avenue. Proposal contravenes the development plan in terms of the position and height of the building, breach of building line by 5.4m . The disparity in height and bulk with existing buildings is obvious.

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”.

‘Enderly House’ is a protected structure. Policy AR2 refers submission of an appropriate level of documentation in relation to applications involving protected structures.

Section 8.2.3.4(v) refers to corner / side garden sites. Such proposals shall be considered in relation to a range of criteria .

Section 8.2.4.9 sets out a maximum width of 3.5m for a vehicular entrance to a single residential development.

8.0 Assessment

I consider that the two main issues in this case relate to the impact on architectural heritage and the impact on the residential and visual amenities and compliance with related development plan policy guidance. I refer also to a range of other issues, which might be relevant planning conditions in the event that permission is granted.

Architectural Heritage

At the time of inspection I accessed the site from the protected house 'Enderly'. I note the comments of the Conservation Division which refer to the site as an identifiable parcel of land within the wider curtilage associated with the main house. I consider that this is a material factor, which when considered with the distance to the main house and the intervening walls and trees means that there is no impact on the character of Enderly House.

In relation to the impact of the building on the protected structure I note that the objection of An Taisce refers only to the impact on the boundary wall. The opening of the boundary wall for an entrance poses no major concerns according to the Conservation Division of the planning authority and I agree with this statement generally. I consider it appropriate that the pedestrian entrance be omitted – such a feature could be installed in the wing walls.

In relation to the suggestion by An Taisce that the architectural heritage of the wall should be assessed further assessed I am unconvinced that this would be a worthwhile exercise or that it would influence the decision of the Board in any way. In this regard I note that policy AR2 requires that 'an appropriate level of documentation be submitted and I consider that this is met in this case.

I do however agree with An Taisce in relation to the attachment of a condition regarding the retention and protection of the wall and I will address this matter in my recommendation. The removal of vegetation and the opening up of the wall to create the vehicular entrance would be best undertaken following the agreement of a

method statement on the approach to this work. This could be addressed by condition.

Subject to the above I consider that the development proposed does not materially affect the character of the protected structure.

Policy and Amenity Issues

The applicant refers to the site as a large corner site and I agree with this description. In terms of policy parameters the planning authority relied upon the policy for corner / side gardens. I consider that this policy is the most relevant provision in the development and that in particular it provides a basis for assessment of the impacts on the Laurel Road streetscape and residential amenity.

In terms of the size, design, layout and relationship with immediately adjacent properties the proposed development is of greater height and scale than the existing suburban street. However, it also comprises a form of residential development which reasonably reflects the established character of the houses in the immediate vicinity in terms of the pitched roof and sympathetic approach to fenestration.

The development involves introducing a new built feature at this end of the street. However, the site is spacious and the high wall is a defining feature. As there is very little clarity in relation to the selected materials to be used the further agreement of the planning authority is required in relation to external finishes to ensure that the development is of high quality. That matter can be addressed by condition.

In conclusion in terms of the overall size and design of the new house I consider that it is acceptable and that it provides the basis for successfully integrating with Laurel Road onto which it will front. Due to the separation from Enderly as previously considered, I am satisfied that there is no adverse impact.

In relation to the position of the house on the site and its relationship with immediately adjacent properties, this is one of the more contentious aspects of the proposed development. In particular the general guideline of 'building lines followed where appropriate' is not complied with in this case. In the context of a spacious site and a detached house I consider that there is some latitude and that rigid adherence to the established front building line is not necessary provided the building is appropriately designed and positioned on the site.

I consider that the revision secured by the planning authority by way of further information constitutes an improvement but I consider that further setback could be achieved without compromising the proposed development. I recommend in the event that permission is granted that the house be set back from the flank wall of no. 2 Laurel Road by a minimum of 7m, which would constitute a further setback of about 1.5m. I consider that this would mitigate sufficiently for the breach in the building line and the height and mass of that part of the proposed house. In the interest of clarity I recommend a 3m maximum projection beyond the porch (not the first floor level) of no. 2 Laurel Road. That projection is similar to the site layout presented.

I note the covered terrace at ground level and the projecting feature at first floor level at the eastern side of the house. These are not reflected in the dimensions provided on the site layout plan. Due to their position however, I do not consider that they would give rise to adverse impacts on the amenities of the area.

In relation to the building line the Board may wish to consider the alternative of setting back the house in line with the houses at Laurel Road. That revision would be likely to impact on the residential amenities associated with the rear of no. 2 including the potential for impact in the evening by way of overshadowing.

In the event that the Board has concerns with the impact on the streetscape or with the residential amenities of the area but considers that these are not adequately addressed by my recommended condition, the option of securing a revised house

type could be considered. My own conclusion is that the re-location of the house on the site could satisfactorily address any impacts on Laurel Road.

The Board may wish to consider whether the recommended revisions to the site layout would adversely affect the amenities of the houses to the north (the main house Enderly and the cottage). The rear (north-western) site boundary is lined with trees which are outside the site and there is no indication from the application drawings that these trees would be impacted by the proposed development, including through damage to the root systems. On site I noted that the location of these trees in the grounds of Enderly is such that they are some distance from the development. I have taken this matter into account in the recommended condition in relation to the re-location of the house to the west and am satisfied based on my inspection that the root system (as reflected by the crown spread) are unlikely to be impacted. I note in addition that the western side of the house as designed includes single storey elements, which will mitigate any impact on views from the new cottage and associated gardens at Enderly.

Other Issues

There are some apparent discrepancies in the drawings submitted insofar as different dimensions are shown in relation to the separation of the proposed house from no. 2 Laurel Road. For instance the dimension of 2.559m on the original submission to the planning authority was indicated as 3.559m on the further information following re-location to the west by 1m and is marked on the appeal drawing as 3.036m. The uneven nature of the boundary wall may have given contributed to the apparent discrepancies. I note that the site has been professionally surveyed. My recommendation will require a further plan to be agree with the planning authority, which will resolve any lack of clarity in relation to the location of the building on site.

During the course of consideration of the application by the planning authority the revised drawings received on 30th August 2016 amend the location of the granite boundary wall which was originally incorrectly positioned on the drawings. Thus there is no encroachment onto the grass verge.

A certificate of exemption under Part V was granted under reference V/57/16 on 15th June 2016 according to the Case Planner's report. I consider that there is no requirement for a planning condition in this regard.

I consider that a standard condition is sufficient in relation to the disposal of surface water.

9.0 **Conclusions and Recommendation**

I recommend that the Board grant permission for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective, the spacious nature of the site which is enclosed by a high stone wall and the scale and design of the proposed development, which are considered appropriate, together with the pattern of development in the area, it is considered that the proposed development would not seriously injure residential amenity or the amenities of the area or adversely affect the special character of the protected structure. It is considered that, subject to compliance with the conditions set out below, the proposed development 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 as amended by further information received by the planning authority on 30th August 2016, 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 following shall apply in relation to the design of the development:

(a) All works including demolition, repair and new interventions to the granite boundary walls shall be undertaken in accordance with the requirements of an approved Conservation Architect, who shall prepared a method statement and detailed design for these works.

(b) The pedestrian entrance shall be omitted from the front wall and may be included in the splay wing walls at the vehicular entrance.

(c) The entrance details shall otherwise comply with the requirements of the planning authority.

(d) The Conservation Architect shall certify to the planning authority on completion of works that best conservation practice has been followed in relation to works to the boundary walls.

(d) The minimum separation between the flank wall of no. 2 Laurel Road and the side wall of the proposed development as measured from the main two-storey side building lines shall be 7m.

(e) The proposed development shall not extend more than 3m beyond the building line established by the single storey entrance porch at no. 2 Laurel Road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of protecting the character of the protected structure and in the interest of visual amenity and clarity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and to ensure that the character of the area is protected.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Public or Bank Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. Water supply and drainage arrangements, including 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.

7. 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, as amended. The contribution shall be paid prior to commencement of development 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Mairead Kenny
Senior Planning Inspector
7th February 2017