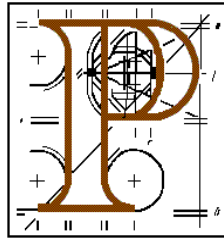


An Bord Pleanála



Inspector's Report

Development

First floor window to rear at No. 4 Fontenoy Terrace (a Protected Structure),
Bray, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Register Reference: 16/914

Applicant: Roisin Fitzpatrick

Type of Application: Permission

Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Roisin Fitzpatrick

Type of Appeal: First Party

Date of Site Inspection: 28th November, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by Roisin Fitzpatrick against a decision by Wicklow County Council to refuse permission for the provision of a first floor window to the rear of No. 4 Fontenoy Terrace (a protected structure), Bray, County Wicklow.
- 1.2 The proposed development would comprise the provision of a window that would be glazed in obscure glazing in the southern corner of the rear annex to No. 4. A covering letter with the application stated the reason for the window is to maximise light into the applicant's home. It was further stated that, by using obscure glass, it would have no impact on immediate neighbours.
- 1.3 An objection to the proposal was received from Sheila Russell which referred to the impact on the character of the building and the perceived overlooking that would result.
- 1.4 The reports received by the planning authority were as follows:

The Planner noted development plan provisions and the observation received. It was submitted that it was unclear as to the purpose of the window, given a current application for an extension that included an additional window to the room in question, and to the fact that it would be obscured. It was considered the window would alter the balance and proportion of the rear return. It was stated that, whilst the window would not result in overlooking, there would be a perception of overlooking. A refusal of permission was recommended.
- 1.5 On 27th September, 2016, Wicklow County Council decided to refuse permission for the development for one reason relating to the development being unnecessary, having an adverse impact on the character of the

protected structure, and the adverse impact on the amenities of adjacent property due to the perception of being overlooked.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 28th November, 2016.

2.2 Site Location and Description

No. 4 Fontenoy Terrace is a mid-terrace two-storey 19th century dwelling located close to the south-western end of the beach front in the town of Bray. The terrace is set back from Strand Road and immediately behind the terrace of six houses lies the Dublin-Rosslare / Bray-Greystones railway line. Each of the houses has a two-storey annex to the rear similar in form and height. There is a small yard behind the extended area to the rear of No. 4 and beyond this is a steep embankment rising to the elevated railway line behind this property. The Bray Head Hotel abuts the terrace to the north-west.

2.3 Bray Town Development Plan 2011-2017

Zoning

The site is zoned 'SF Seafront Uses' with the objective to protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, leisure, and residential uses.

Architectural Heritage

Nos. 1-6 Fontenoy Terrace are listed as protected structures (RPS No. 100).

It is the policy of the Council to preserve and protect structures included in the Record of Protected Structures.

2.4 **Planning History**

An Bord Pleanála Ref. PL 27.247180

The Board has recently refused permission for a proposed extension to the rear of No. 4 Fontenoy Terrace.

3.0 **FIRST PARTY APPEAL**

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

- * The window would not result in overlooking, would not infringe on privacy, would cause no overshadowing or loss of light, does not deter from the beauty of the houses, and the proposal would be in keeping with the Victorian style wooden frame already in the corner gables of Nos. 1 and 2 Fontenoy Terrace.
- * There is a precedent at Nos. 1 and 2.
- * The proposal would greatly enhance the quality and quantity of light entering the house and would achieve full benefit of the southerly orientation, unlike the other two windows in the room.
- * No overlooking would occur in fact and the window is not orientated towards the house on the adjoining property.

4.0 ASSESSMENT

- 4.1 I note the proposed window would be located at first floor level at the southern corner of the existing two-storey annex. It would serve a bedroom that is served by one window at present. The proposed location for the new window would place viewing from it in the direction of the neighbouring property of No. 5 Fontenoy Terrace. I acknowledge that it is proposed to glaze the new ope with obscure glass. The provision of such glass would omit the potential for overlooking of the neighbouring property.
- 4.2 I note the form and character of the terrace, a terrace that forms a protected structure in the Bray Town Development Plan, and in particular I note the two-storey annexes. The appellant has referred in communication to a precedent being established by development at Nos. 1 and 2 Fontenoy Terrace. I acknowledge that additional windows have been provided to this end of the terrace. It is notable, however, that the windows are placed on the rear elevation of the annex and are in keeping with the form, scale and character of established windows in the properties. The siting of the proposed window in the corner of the room would result in a window presenting a different form and structure to the common characteristics of the established fenestration in the terrace of protected structures. The Board will note in particular the curvature in the annex at this location. To this extent, its location and form would be out of character with the established fenestration and, thus, would conflict with the character of the protected structure. This would not be in keeping with the Bray Town Development Plan policy which seeks to preserve and protect structures included in the Record of Protected Structures.

- 4.3 While I note the proposed obscure glass would omit the potential for overlooking, and while I accept the appellant's position that the new ope would not result in overshadowing or loss of light for neighbouring properties, I am satisfied to conclude that the window would be out of character with the protected structure that forms Fontenoy Terrace.
- 4.4 Finally, I note the Board may consider modifications to permit the provision of an additional window on the rear elevation to serve the bedroom. I consider that such an ope would require to be of a different form and character to that proposed in this application and am of the view that the material differences would warrant the appropriate approach being the making of a separate planning application if the applicant considered such a proposal might meet intended needs. Its impact on the protected structure in terms of suitability of form, design and character and its impact on adjoining properties could then be suitably assessed.

5.0 RECOMMENDATION

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

Reasons and Considerations

1. Having regard to No. 4 Fontenoy Terrace forming part of a terrace of structures that constitute a protected structure in the Bray Town Development Plan 2011-2017, to the contribution the established dwelling makes to the built heritage of the area and to the integral design features of the existing protected structure, inclusive of its fenestration form and pattern, it is considered that the siting of a proposed window at first floor level at the corner of the established annex would be out of character with the established buildings forming the protected structure in terms of location and form, would detract from the visual character of the protected

structure, would conflict with the policy of the Bray Town Development Plan to preserve and protect structures included in the Record of Protected Structures, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

January, 2017.