



An  
Bord  
Pleanála

## Inspector's Report PL06D.247525

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<b>Development</b>	Permission for a new 3m wide vehicular entrance gates and construction of new section of side boundary wall (protected structure).
<b>Location</b>	23a and 23 Waltham Terrace, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D16A/0610
<b>Applicant(s)</b>	Patrick Kinsella
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Patrick Kinsella
<b>Observer(s)</b>	Dr. Willie Reardon
<b>Date of Site Inspection</b>	17 <sup>th</sup> February 2017
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.1257 hectares, is located to the west of Blackrock and on the eastern side of Waltham Terrace. The site is occupied by a two-storey dwelling (23a) that was constructed to the side of no. 23. No. 23 (south of the site) is a two-storey semi-detached dwelling. Immediately to the north is no. 22, which is also a two-storey semi-detached dwelling. At present no. 23a uses the existing vehicular access serving no. 23 with an existing stone wall, hedge and a wooden gate located along the southern boundary of the site. The road side boundary is a 1.4m high stone wall back planted with a high hedge. There is an existing pedestrian entrance at the north western corner of the site with stone piers and iron gates.

## **2.0 Proposed Development**

2.1. Permission is sought for a new 3m wide vehicular entrance gates to replace an existing pedestrian gate in the front boundary wall to serve no, 23a Waltham Terrace, and the construction of a new section of side boundary wall to match existing between nos. 23a and 23 Waltham Terrace (a protected structure).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on one reason...

1. Having regard to the protected status of No. 23 and the houses on Waltham Terrace on both sides of the road, cACA ( Candidate Architectural Conservation Area) status of Waltham Terrace, the existing rhythm of the pairs of houses when viewed along the streetscape, and the combined impacts of the boundary changes and the increased visibility of the infill dwelling house of No. 23A due to the proposed vehicular entrance, it is considered that the proposed development would negatively

affect both the character of the Protected Structure, the architectural character and appearance of the Waltham Terrace cACA, and would seriously injure and negatively impact on the setting and amenities of the Protected Structures in the vicinity and, seriously detract from the streetscape character, disrupting the pattern/symmetry of the existing entrances, The proposal would contravene the Dun Laoghaire-Rathdown County Development Plan with regard to Section 8.2.4.9 'Vehicular Entrances and Hardstanding Areas' and Section 6.1.4.6: Policy AR17 'Development within a cACA', of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 and would set a poor precedent for similar type development in the area and along the terrace. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

## **3.2 Local Authority and External reports**

- 3.2.1 Drainage Planning (08/09/16): No objection.
- 3.2.2 Transportation Planning (26/09/16): No objection subject to conditions.
- 3.2.3 Conservation Officer (10/10/16): Refusal recommended on the basis that the proposal is contrary Policy AR12, AR17 and Section 8.2.11.3 of the County Development Plan. The proposal would detract from the streetscape, disrupt the pattern/symmetry of existing entrances, and result in increased visibility of the infill dwelling with a negative impact on both the cACA and Protected Structures.
- 3.2.4 Planning Report (11/10/16): It was considered that the proposal would have a negative impact on the character and setting of the site, including increased visibility of the infill dwelling and a negative impact on the wider streetscape and visual amenities of the area. Refusal was recommended based on the reason outlined above.

## **4 Planning History**

- 4.1 PL06D.231577: Permission refused for a new vehicle access gates in boundary wall and new section of boundary wall to match existing between 23A and 23 Waltham Terrace (Protected Structure).

*1. Having regard to the fact that the houses on Waltham Terrace on both sides of the road are Protected Structures, it is considered that the increased visibility of the infill dwellinghouse number 23A that would result from the proposed vehicular entrance, would seriously injure the amenities of the Protected Structures in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.2 PL06D.212058: Permission refused for subdivision of the site no. 23 and construction of a new house. Refused based on two reasons...

*1. It is considered that the proposed development, which involves the diversion of the existing culvert within the site curtilage, would result in an unacceptable interference with the current alignment and hydraulic capacity of this culvert. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the restricted size of the proposed subdivided site including the location of the new flank subdivision boundary wall and the separation distance between the proposed house and the existing house number 23, it is considered that access and maintenance of the culvert would be impeded. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.3 D06A/1176: Permission granted for a house to the side of no. 23 Waltham Terrace.

4.4 PL06D.246061: Permission granted for removal of extensions to side and rear, construction of extensions to side and rear, refurbishment of house, internal and external alterations, widening of vehicular access and associated works at no. 22 Waltham Terrace.

## 5 Policy Context

### 5.1 Development Plan

5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is in an area zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

## 6 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Marston Planning Consultancy on behalf of Patrick Kinsella, 23a Waltham Terrace, Blackrock, Co. Dublin. The grounds of appeal are as follows...

- The appellant notes that they have revised the proposal for the entrance from 3m to 2.8m in width.
- The appellant notes that the Planning Authority's decision to refuse incorrectly interprets the Boards decision to refuse a vehicular entrance at this location. The appellant notes that the assessment of the previous proposal (PL06D.231577) indicates that the boundary treatment is not the main factor in determining the quality of the streetscape at this location. It is noted that there is a lack of consistency in boundary treatment at this location.
- It is noted that the visibility of the infill dwelling at this location would not be significantly altered by the proposal with existing landscaping on site screening the dwelling at no. 23A.
- The appellants note that the proposal does not have a significant impact on the cACA as well as noting that the status of such is not the same as an ACA.
- The appellant notes that the Transportation Planning Section requirements for a splayed entrance are unnecessary and that the proposed entrance would comply with the standards set out in the Design Manual for Urban Streets and

Roads. It is noted that there is adequate off-street parking and turning area on site.

- It is noted that there are examples of three vehicular access points close to each other (no. 14 and 16 Waltham Terrace and an access to infill development in between).
- A report has been submitted by O'Mahony Pike Architects (Streetscape & Visual Impact Study). This report examines the pattern of development and rhythm of development all along Waltham Terrace including boundary treatment and entrances. The conclusion is that the proposal would have a negligible impact on the character of the street.

## **6.1 Planning Authority Response**

### **6.2.1 Response by Dun Laoghaire Rathdown County Council.**

- It is still considered that the proposal is not acceptable and would impact negatively on the adjoining properties and streetscape. The status of the existing structures as protected structures and the location of the site within a cACA as well as Development Plan policies are noted.

## **7 Observations**

### **7.1 An observation has been submitted by Dr. Willie Reardon, 29 Waltham Terrace, Blackrock, Co. Dublin.**

- The planning history of the site and development at no. 23A is noted including the fact that a separate vehicular access for no. 23A was not envisaged.
- The observer questions whether consent exists for the partial segregating wall between no. 23 and no. 23A and that such is being used as an argument for the new segregating wall.

- It is noted that no 23A has adequate vehicular access and the creation of new access would alter the architectural integrity of the streetscape.
- It is noted that the proposal has been subject to previous applications and has been rejected and such should be accepted by the applicant.

## 8 Assessment

- 8.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design, visual impact, architectural heritage/character and streetscape

Traffic safety

Other Issues

### 8.2 **Design, visual impact, architectural heritage/character and streetscape:**

- 8.2.1 The proposal is for a 3m wide vehicular entrance to serve no. 23a Waltham Terrace. 23a is an existing dwelling constructed in recent years to the side of no. 23 Waltham Terrace with the existing curtilage of such subdivide. At present no. 23a is separated from no. 23 by a stone wall with a wooden sliding gate. At present traffic uses the existing access serving no. 23 to access no. 23a. The proposal seeks to provide no. 23a with a fully independent vehicular access. The existing dwelling at no. 23a is a separate dwelling from no. 23 and is fully independent structure from the dwelling within whose curtilage it was developed. I would consider that principle of the existing dwelling having an independent entrance to be acceptable given the independent nature of the existing dwelling on site. I would note that such is contingent on the proposed access being acceptable in regards to the visual amenities and architectural character of the area.

- 8.2.2 There is planning history on the site, which includes a refusal under appeal ref no. PL06D.231577 for a new vehicular entrance to serve no. 23a. The entrance proposed was 2.8m wide and was refused on the basis that "having regard to the fact that the houses on Waltham Terrace on both sides of the road are Protected Structures, it is considered that the increased visibility of the infill dwellinghouse number 23a that would result from the proposed vehicular entrance, would seriously injure the amenities of the Protected Structures in the vicinity and would, therefore,



be contrary to the proper planning and sustainable development of the area". In refusing permission, the Planning Authority had concerns regarding the impact of entrance on the character of the cACA and existing protected structure, through the increased visibility of no. 23a and the impact on existing the pattern of development including setting an undesirable precedent.

8.2.3 The proposal is for a 3m wide entrance; however the applicant/appellant has proposed to revise it to 2.8m wide with revised drawings submitted with the appeal submission. A question that arise is whether anything has changed since the previous proposal refused under ref no. PL06D.231577. The main changes are that a pedestrian entrance has been installed to serve no. 23a (it would appear this was carried out as exempted development). The area also has a new status as a candidate Architectural Conservation Area. One of the main issues of concern raised in the reason for refusal and the previous reason for refusal under PL06D.231577 is that the proposal would increase visibility of the dwelling on site. The proposal would entail widening the existing open (pedestrian gate); however I would consider that such would not significantly increase visibility of no. 23a. The overall design of no. 23a has a very low impact when viewed from the public road due to its design, scale and existing landscaping on site is very successful in reducing its overall visual impact. I would even consider that without the landscaping the existing dwelling on site is not a significantly prominent element in the area. I would consider that the opinions that that proposed development would result in it becoming significantly more visible are overstated. I would consider that the proposed vehicular entrance would not result in the no. 23a becoming a visually obtrusive or incongruous element at this location.

8.2.4 The proposal seeks to provide a 3m (or 2.8m if considered necessary) wide opening, which entails removal of part of the existing stone wall (1.8m wide section) incorporating the existing 1.2m wide pedestrian entrance. The Planning Authority's assessment raises significant concerns that the provision of this opening would disrupt the pattern of development, rhythm and character at this location. In regards to pattern of development, I do not consider that the pattern of development in regards to boundary treatment and entrance spacing is so rigid along Waltham Terrace; there is great variation in terms of entrance spacing, entrance widths and

boundary treatment. Notwithstanding such, the width and extent of the entrance proposed is not of scale and character with existing vehicular entrance openings. The design of the entrance is simple and uses existing elements such as the entrance pier for pedestrian gate (north side of entrance) and the existing wall (on the southern side as well as proposing iron entrance gates in keeping with existing boundary and entrance gates in the area. I would consider that the vehicular entrance treatment is entirely in character and scale with the existing area and would not be an incongruous element at this location.

8.2.5 The proposal also entails the construction of a new section of stone wall (3.45m wide and 1.7m high) between no. 23a and 23 and replaces a wooden gate. This section of wall links into an existing section of wall between no. 23a and 23 as well as an existing hedge to the front of the site. I am satisfied that overall scale and design of such is in keeping with existing structures on site and that such would not significant or adverse impact on visual amenities of the area.

8.2.6 The status of the area as a candidate Architectural Conservation Area and the fact that there are a number of protected structures along Waltham Terrace including no. 23 and 22 located either side of the site, is one of main concerns that has led to refusal of permission. I would note my assessment in earlier section, which note that the overall design and scale of the proposal is satisfactory at this location and would have a negligible impact in regards to streetscape and architectural character. I would not that the proposal is wholly appropriate in terms of design and scale and has adequate regard to the status of the area as an aACA and the existing protected structures. I am satisfied that the proposal would be acceptable in regards the character of the aACA and would have no adverse impact on the setting or character of existing protected structures. I would also note that the proposal is not contrary Development Plan policy in regards to Vehicular Entrances and Hardstanding Areas as set out under Section 8.2.4.9 of Policy AR 17, Development within a cACA.

### **8.3 Traffic Impact:**

8.3.1 The proposal is for a new vehicular entrance to serve no. 23a. The entrance is proposed off Waltham Terrace, which is a residential street. The vertical and horizontal alignment of the street is good and would facilitate acceptable sightlines and traffic speeds are low due to the residential nature of the street and the fact that on-street car parking is located on one side of the road (opposite side to appeal site). The proposed entrance would also not impact on such on-street car parking. The Transportation Section has recommended that a splayed entrance be provided. I would consider that such would be out of character at this location and that the proposal is satisfactory subject to the footpath being dishd to facilitate access. The proposal would be acceptable in the context of traffic safety. I would note that the revised proposal reducing the entrance to 2.8m is satisfactory and would entail retention of more of the existing wall.

### **8.4 Other Issues:**

8.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9 Recommendation**

9.1 I recommend a grant of permission subject to the following conditions.

## **10 Reasons and Considerations**

10.1 Having regards to design and scale of the proposed development and the use of good quality materials, the proposed structure would be acceptable in the context of the visual amenities of the area, the status of the area as a candidate Architectural Conservation Area, the character and setting of existing adjoining protected structures, and Development Plan policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11 Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the Plans submitted to An Bord Pleanála on the 04<sup>th</sup> day of November 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 footpath shall be dished at the entrance in accordance with the requirements of the Planning Authority. Details of location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of orderly development.

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Colin McBride  
Planning Inspector

21<sup>st</sup> February 2017