



An  
Bord  
Pleanála

## Inspector's Report PL06D.247802

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<b>Development</b>	Removal of timber shed and internal partitions. Refurbishment and repair of house, erection of two-storey extension and all associated site works.
<b>Location</b>	Bellevue East Wing, Cross Avenue, Black, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D16A/0679
<b>Applicant(s)</b>	Finbarr & Patricia O'Connell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-v-Grant
<b>Appellant(s)</b>	Martin & Eva Marie Molloy
<b>Date of Site Inspection</b>	07 <sup>th</sup> April 2017
<b>Inspector</b>	Colin McBride



## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 0.062 hectares is located on the northern side of Cross, Avenue, to the west of Blackrock, Co. Dublin. The site occupied by a two-storey end of terrace dwelling. The existing structure on site was formerly a ballroom attached to a larger dwelling that has since been split into three separate dwellings. Immediately to the west are the two dwelling that used to make up the larger dwelling the site was once part off. There is an existing laneway running to the east of the site with vehicular access from Cross Avenue. This laneway serves the dwelling immediately to the west, the appeal site and two larger detached dwellings located to the north of the site. On the site to the west is a large recently constructed two-storey detached dwelling.

## **2.0 Proposed Development**

2.1. Permission is sought for the removal of a timber shed to the east, removal of non-original internal partitions, refurbishment and repair of windows and roofs, provision of new internal partitions within existing house, two new roof lights to the south elevation, new vehicle entrance to south side of the house, reinstatement of light well to basement at rear of house with new doors to rear garden, the erection of part two-storey extension over basement to the east side with new front door to Cross Avenue elevation and a new 2m high boundary wall to the eastern side. The proposed extension has a floor area of 270sqm and a ridge height of 6.1m The extension features a flat roof profile with external finishes of glazing, zinc cladding and stone cladding. The existing structure is a protected structure.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 11 conditions. Of note are the following conditions...

Condition no. 3: No roof lights are to be provided to the front facing roof slope.

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

- 3.2.1. Conservation Officer (28/19/16): No objection.
- 3.2.2. Drainage Planning (30/09/16): Proposals required to deal with excess surface water.
- 3.2.3. Transportation Planning (18/10/16): Refusal recommended on the basis that the provision of an additional vehicular entrance would adversely affect use of the road.
- 3.2.4. Planning Report (09/12/16): Further information is required including revisions omitting the front facing roof lights, details regarding surface water, revised drawings reducing the width of the vehicular entrance to 3.5m and revisions to improve visibility, details of the proposed external finishes.
- 3.2.5. Drainage Planning (12/01/16): No objection subject to condition.
- 3.2.6. Planning Report (14/12/16): The proposal was considered acceptable in regards to visual impact and the conservation/architectural status of the existing protected structure. The proposal was also considered acceptable in regards to traffic safety and drainage issues. A grant of permission was recommended based on the conditions outlined above.

## **4.0 Planning History**

- 4.1 No planning history.

## **5.0 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 zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- 5.1.2 The existing structure is on the record of protected structures under the County Development Plan.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Martin & Eva Molloy, Bellevue, Cross Avenue, Blackrock, Co. Dublin. The grounds of appeal are as follows...

- The appellants note that the existing structure is distinctive in character and that the alterations proposed would be detrimental to this unique character.
- The appellants object to the proposed extension noting that it would be large, conspicuous with material out of character with the existing structure and adjoining structures. It is considered use of external finishes more in keeping with the existing structure would be better.
- It is noted that the existing structure is associated with Eamon de Valera, the Countess of Bandon and the Bewley family and there is plaque on the building acknowledging its historical significance. The appellants raise concerns that the alterations would diminish the character and status of the existing structure unnecessarily.

### 6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- The Planning Authority note that the design and scale of the proposed extension is of acceptable and has adequate regard to the status of the existing structure as a protected structure.

6.2.2 Response by Stephen Dowds Associates on behalf of the applicants Finbarr & Patricia O'Connell.

- The applicants outline the need for the extension to improve existing accommodation including provision of a front door, improved parking provision, better privacy and security with a side boundary.

- In regards to impact on the protected structure it is noted that the design and scale of the extension is subordinate to the existing structure and that the existing structure would still be the main element and focus. It is noted that original fabric and features are being retained and refurbished and that the partitions removed are later additions. No objection was received from any prescribed bodies.
- The historical significance of the building is not altered by the proposal and it is noted that the original property has been split in three over time with the ballroom section also partitioned inside to form a dwelling.
- The design and use of material has adequate regard to the protected status of the structure and is in keeping with the Architectural Heritage Guidelines and the County Development Plan.
- It is noted that the design and scale has adequate regard to the status of the protected structures including the existing structure on site and Bellevue adjoining it to the west. It is also noted that the design and scale of the proposal is such that it would have no adverse/obtrusive impact on the visual amenities of the area.
- The applicants note they have no issue with omission of the roof lights on the front facing elevation and the applicants are willing to submit a drawing to this effect if necessary.

## 7.0 Assessment

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

Design/architectural heritage, visual amenity

Residential amenity

Traffic

Other issues

### 7.2 Design/architectural heritage, visual amenity

7.2.1 Permission is sought for refurbishment and alterations to an existing dwelling including a part two-storey and part single-storey extension to the side. The existing structure is a protected structure and was originally a double height ballroom associated with a larger dwelling that has since been split into three. The existing structure is distinctive in character featuring a curved profile on its front and rear elevation. The alterations proposed including removal of all internal partitions with new partitions to be installed, removal of an existing wooden shed on the eastern elevation and extension to the east providing for part two-storey and part single-storey extension.

7.2.2 In relation to its status as a protected structure it is notable that the alterations proposed remove internal partitions that are later additions to the existing structure (1960's) and do not remove original fabric. The proposal entails refurbishment of existing windows and new windows in character replacing later additions in some cases. Loss of original fabric is being kept to a minimum with a new door opening provided at the north eastern corner at basement, ground and first floor level to allow access to the new extension as well as a new set of doors at basement level on the northern elevation with steps to the rear garden. The original proposal entails replacing existing roof lights on the rear roof plane and providing two new roof lights on the front roof plane. A condition was attached requiring omission of the roof lights

on the front elevation and confining the replacements on the rear elevation to the same size as the existing. I would consider that this condition is appropriate and should be applied in the event of a grant of permission.

7.2.3 The proposal entails removal of the existing wooden shed on the eastern elevation. This shed is a later addition and is in poor condition and its removal would be acceptable and entail no loss of any feature of architectural value/heritage value or merit. The proposed extension is contemporary in nature and design, featuring a flat roof profile, with it being two-storeys to the front and stepping down to single-storey to the rear. The external finishes including glazing, zinc cladding and stone cladding. In regards to impact on the character of the protected structure, the proposed extension is subordinate in scale to the existing structure and is very much low profile in design with a significantly lower ridge height. The extension also provides a clear distinction in terms of design from the existing structure on site. This is an appropriate design mechanism, which allows the existing historical structure to still be main element and to be clearly read instead of providing an extension that attempts to match the character or external finishes of the protected structure. I would consider that the overall design and scale of the proposed extension is appropriate in design and scale, has adequate regard to the status of the existing protected structure and would have no significant or detrimental impact on heritage value of the existing structure. I would consider that the proposal is in keeping with the recommendations of the Architectural Heritage Guidelines and consistent with Development Plan policy.

7.2.4 In addition to being satisfactory in the context of the status of the existing protected structure, the design and scale of the proposal would also be satisfactory in the context of the character, status and setting of adjoining protected structures including those immediately to the west. I would also note that the subordinate nature and low profile design would also be satisfactory in the context of the visual amenities of the wider area.



7.2.5 The proposal entails refurbishment and the ongoing use of a structure of unique and significant architectural heritage value with a well-conceived proposal to improve the residential accommodation. The refurbishment and ongoing use serve to protect the existing structure on site and is a positive element of the proposal and in keeping with the aims of the Architectural Heritage Guidelines and Development Plan policy.

### **7.3 Residential amenity:**

7.3.1 The design, scale and orientation of the proposed extension and alterations have adequate regard to the prevailing pattern of development and the residential amenities of adjoining properties. The proposal would have no adverse impact on residential amenity and would be in accordance with the proper planning and sustainable development of the area.

### **7.4 Traffic:**

7.4.1 At present an access lane runs to the east of the site providing access to the appeal site, to Bellevue (the dwelling immediately to the west) and two detached dwellings to the north of the site. At present the site has vehicular access to the rear from this lane. The proposal provides for a new vehicular access with parking for two cars to the front. It is also proposed to retain the vehicular access to the rear with a new boundary wall along the eastern boundary of the site and wooden gates at the location of existing entrance to the rear. It is notable that the new access to front was reduced in width to 3.5m. I would consider that the proposal for a new access is acceptable and would note that the proposal entails no additional traffic intensity as it is refurbishment and extension of an existing dwelling. I would consider that the layout of the approved access is acceptable in terms of visibility, layout and would not constitute a traffic hazard. I would also note that the provision of off-street car parking would be in keeping with Development Plan Standards (two per dwelling with three bedrooms or more).

## **7.5 Other Issues:**

7.5.1 The appellants note the historical significance of the structure not only in regards to its status as a protected structure due to its age and character, but also due to its links to important historical figures. As noted above the design and scale of the extension and the nature of the alterations are satisfactory in the context of visual amenity and the status, character and integrity of the existing protected structure and adjoining protected structures. I do not consider that the proposal alters or diminishes the historical significance of the structure and I would consider that the proposed development is appropriate and in accordance with the proper planning and sustainable development of the area.

7.5.2 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.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

9.1 Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, to the pattern of existing development in the area and to the design and scale of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, the setting and status of a protected structure and adjoining protected structures, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application, and as amended by the plans submitted on the 28<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 proposed development shall be amended as follows:

(a) The roof lights on the front facing (south) roof plane are to be omitted and the new roof lights proposed to replace those on the rear roof plane (north) are to be similar in size to those they replace.

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

**Reason:** In the interest of visual amenity and conservation.

3. All works to conserve the fabric of existing protected structure shall be carried out in accordance with best conservation practice and in accordance with the Department of the Environment's Conservation Guidelines under the professional supervision on site of an Architect or other appropriately qualified person with specialised conservation expertise to ensure adequate protection of the retained and historic fabric during the works. The conservation architect shall, prior to commencement of work, submit a work programme to the planning authority for agreement, which shall detail all work to be carried out to the protected structure. The conservation architect shall certify upon completion that the specified works have been carried out in accordance with good conservation practice.

**Reason:** In order to safeguard the special architectural or history interest of the building.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes for proposed extension, shall be submitted to, and agreed in writing with, the planning authority. Samples of materials to be used shall be made available on site for inspection by the planning authority.

**Reason:** In order to safeguard the special architectural or history interest of the building.

5. 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.

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

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

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.

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Colin McBride  
Planning Inspector

10<sup>th</sup> April 2017