



An
Bord
Pleanála

Inspector's Report PL.06D.247824

Development	Opening of vehicular access, erection of a gate and provision of off-street car parking space.
Location	11 Eaton Square, Monkstown, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0749.
Applicants	Damien Flanagan & Ciara Regan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Vs Decision.
Appellants	Damien Flanagan & Ciara Regan.
Observers	None.
Date of Site Inspection	15 th March 2017.
Inspector	Dáire Mc Devitt.

1.0 **Site Location and Description**

1.1 Eaton Square, Monkstown, Co. Dublin, located within Monkstown Architectural Conservation Area, consists of 29 mainly semi-detached houses, mostly two storey, with a small number of terraced houses and detached houses. There is a diverse range of housing styles within the area particularly to the west and south of the Square. The houses to the east and north east of the Square are distinctive in style and comprise 2 storey redbrick houses set out in pairs with the exception of No. 11. The houses are laid out to address an attractive private Square which itself is bounded by ornate railings. Scoil Lorcaín (built in the early 1970s) is located along the northern side of the Square.

1.3 No. 11 is distinctive from the other houses as it is a detached two bay 2 storey over basement dwelling with a rendered finish. There is a basement apartment with own front door access. It is bounded on either side by two pairs of semi-detached red brick dwellings which have historic railings along the roadside boundary. There are pay & display parking spaces along Eaton Square East, one such parking space protrudes across the location of the proposed access.

1.4 The front boundary of No. 11 consists of wrought iron railings and a pedestrian gate. The railings are fixed to a granite plinth (at the time of inspection it was noted that a number of the individual railings had detached from the plinth). There is decorative paving at the pedestrian access which serves as a shared access to the main house and the basement unit. The front garden comprises of grass lawns with a c. 2.6m x 6.1m rectangular gravelled inset to the northern corner which corresponds with the location of the proposed car parking space. This gravelled area is edged with granite sets and double timber gates are located at the northern gable to the house with access to the rear.

1.6 Maps, photos and aerial images in file pouch

2.0 **Proposed Development**

Permission is being sought for the removal of 2.6 metres of wrought iron railings and granite plinth along the front boundary, the erection of a new gate

made from the reconfigured railings and the creation of an off-street car parking space.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

The proposed development, comprising a new vehicular entrance, would be out of character with the historic pattern of the front boundary treatment on Eaton Square, located within Monkstown Architectural Conservation Area. The proposed development would form a discordant feature in the streetscape and would contravene Policy AR12 and Section 8.2.4.9 (iv) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which would render the building inconsistent with its neighbours and adversely affect the setting and appreciation of the adjoining properties on Eaton Square. The proposed development would, therefore, be visually detrimental to the area, would seriously injure the amenities and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports (30 November 2016)

This Report formed the basis for the Planning Authority's decision, the main points are summarised as follows:

- Impact on the Architectural Conservation Area.
- No objection on technical grounds noted, however the site is located within an ACA, therefore the relevant policies apply in relation to boundary protection as set out in policy AR12 and Section 8.2.4.9 (iv).
- The Report concluded that the nature of the development which involves the removal of original granite plinth and railings is considered to render the building and its boundary treatment inconsistent with the intrinsic character of the area. The proposed development would therefore impact negatively upon and erode the special character of the Architectural Conservation Area and the historic rhythm of the front boundary treatment in Eaton Square.

3.2.2. **Other Technical Reports**

Conservation Division (15th November 2016). Recommendation to refuse permission in the interest of preserving the built form, streetscape and character of Monkstown Architectural Conservation Area and Eaton Square in particular.

Transportation Planning (15th November 2016). A minimum width for a driveway is 3m and the maximum is 3.5m. The proposal shows the width of the vehicular access as 2.6m. In addition, the opening of an access here would result in the loss of a pay and display car parking space. The Transportation Section had no objection subject to conditions being attached in relation to:

- the relocation of the pay and display parking space.
- the width of the driveway.
- relocation of the entrance 1 metre to the south.
- Compliance with SuDS.

Drainage Section (11th November 2016). No objection subject to surface water condition.

3.3. **Prescribed Bodies**

The Planning Application was referred to The Development Applications Unit (DAHRRG), An Taisce, Failte Eireann and the Arts Council. No comments were received.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Relevant applications:

Planning Authority Reference 4713 (Section 5 Referral). Gated access at the northern gable and 3 roof lights to rear. Split Decision, gate was not considered exempted development as had a height of 2.2m. (May 2013).

Similar applications within Eaton Square:

Planning Authority Reference D14A/0448 (ABP PL.06D.243947). No. 19 Eaton Square. Permission refused in February 2015 for the removal of railings and provision of an off-street parking space for architectural conservation reasons. File attached.

Planning Authority Reference D06A/1718 and D10A/0414. No. 19 Eaton Square. Permission refused for new vehicular gates on this site for architectural conservation and traffic safety reasons.

Planning Authority Reference D06A/1716. No. 17 Eaton Square. Permission refused for new vehicular access gates for architectural conservation reasons.

Planning Authority Reference D04A/1396 (An Bord Pleanala Reference PL.06D. 211054). No. 22 Eaton Square. Permission granted by Planning Authority for new vehicular entrance. Appeal to the Board was invalid.

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

- Land Use Zoning Objective 'A' *To protect or improve residential amenity*
- The site is located within the Monkstown Architectural Conservation Area

Architectural Heritage:

Section 6.1.4 Architectural Conservation Areas (ACA) refers to policies in relation to guiding and managing development within the ACA. **Policy AR12** sets out the policy to protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). This includes ensuring that all development proposals within an ACA be appropriate to the character of the area.

Section 6.1.4.4 Public Realm and Public Utility Works within an ACA refers to the requirement to retain such features as they can impact upon the character of the public realm. **Policy AR15** is the adopted policy to achieve this which includes the retention of any surviving items of historic street furniture and finishes such as granite kerbing and paving that contributes to the character of an ACA.

Section 8.2.11.3 Architectural Conservation Areas sets out that in order to preserve and enhance the character of the ACAs the Planning Authority seeks to retain original features including windows, doors, roof coverings, hedges and railings and other features of interest that contribute to the streetscape character.

Section 8.2.4.9 (iv) refers to the need to protect ACAs from poorly designed off-street parking which involve the removal of boundary walls, gate piers, railings and gates as this can have an effect on the setting and appreciation of

the building, groups of buildings and the wider streetscape and will not generally be permitted.

General Development Management Standards for Entrances:

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

Section 8.2.4.9 (ii) relates to the visual and physical impacts of vehicular entrances. In areas characterised predominately by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be generally resisted.

5.2 Architectural Heritage Protection Guidelines 2011 (DAHG)

Section 3.10 refers to the criteria for assessment of proposals within Architectural Conservation Areas, this also includes guidance on demolition and removal of features within ACAs.

Section 3.11 refers to the management of Architectural Conservation Areas and includes guidance on the management of streetscapes, street furniture kerbing, paving, etc.

Section 13.8 refers to development affecting the setting of an ACA.

4.1. Natural Heritage Designations

None of relevance.

5.0 The Appeal

5.1. Grounds of Appeal

The grounds of appeal seek to address the reason for refusal and can be summarised as follows:

- Monkstown ACA covers a wide and diverse area with general recommendations and does not address specifics like boundary treatment.
- No. 11 Eaton Square was the first house to be built, it is a 2 storey over basement, 2 bay house with rendered finish that sets it at odds with the pairs of redbrick houses that make up the majority of the housing stock around the square, especially along the eastern side of the Square. Therefore, No. 11 already forms a discordant feature.
- Proposing to reconfigure the railings into gates that would match the existing boundary treatment and use the gravelled area as a car parking space with the potential to bring a car through the timber gates to the side of the house.
- There is no standard pattern of boundary treatment at Eaton Square, therefore the statement that the proposal would be out of character with the historic pattern of front boundary treatment at the Square is inaccurate.
- The proposal would not be a discordant feature in the landscape. The railing to be removed would be reconfigured into a pair of gates, the only visual change would be the removal of the granite plinth.
- Policy AR12 does not apply as the current proposal would retain the railing albeit as reconfigured gates.
- There is a precedent for vehicular access at Eaton Square, therefore the policy restricting the opening of vehicular accesses in areas characterised by pedestrian access does not apply.
- The applicant has requested, in the event that the Board grants permission, that the recommendation by the Transportation Section to move the

entrance 1m to the south not be included as a condition at this would be less visually attractive and detract from the setting of the house.

5.2 Planning Authority Response

The Board is referred to the previous Planner's Report as it is considered that the grounds of appeal do not raise any new matters which would justify a change of attitude towards the proposed development.

5.3 Observations

None.

6.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal which seek to address the decision to refuse permission. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings.

- Architectural Conservation Area.
- Appropriate Assessment.

6.1 Architectural Conservation Area

6.1.1 No. 11 Eaton Square is not included in the Record of Protected Structures but is located within the Monkstown Conservation Area as identified in the Development Plan, therefore the relevant policies for ACAs shall apply.

6.1.2 Section 8.2.4.9 (iv) sets out that there is a general reluctance to permit the removal of boundaries which contribute to the setting and appreciation of the streetscape within ACAs. This approach is generally favoured by the Architectural Protection Guidelines for features that contribute to the character and setting of an Architectural Conservation Area.

- 6.1.3 In this instance permission is being sought to remove c.2.6 metres of wrought iron railings and granite plinth which form part of the front boundary at No. 11 Eaton Square. The railings are proposed to be reconfigured into a pair of gates to match the style of the existing railings. The existing gravelled area is proposed to be used as a car parking space with the potential to bring a car through the existing timber gates to the side of the house.
- 6.1.4 The Planning Authority's reason for refusal refers to the impact of the proposal on the character of the ACA stating that the removal of the roadside boundary would form a discordant feature in the streetscape which would render the boundary treatment of No. 11 inconsistent with its neighbours and adversely affect the setting and appreciation of the adjoining properties on Eaton Square.
- 6.1.5 The applicant disputes the relevance of applying the policy as set out in Section 8.2.4.9 (iv) restricting vehicular access in areas characterised by pedestrian access only and has referenced the southern and western sides of the Square as precedent for vehicular access in the area. The majority of existing houses along the western side of the Square have vehicular entrances which date back to c.1960s and 1970s. The houses along the southern side of the Square have openings along the streetscape in keeping with their setting. In my view the adopted policy in this instance applies as the houses along Eaton Square East only have pedestrian accesses and there is no precedent for a vehicular access. It is, therefore, my considered opinion that Section 8.2.4.9 (iv) of the Development Plan does apply and that the proposed development does not comply with it.
- 6.1.7 The streetscape of Eaton Square East is particularly sensitive as the majority of the historic railings have remained intact and form an attractive streetscape and a sense of continuity to the front boundaries. The railings contribute a vital role to the character of the Square and its place within the Architectural Conservation Area. Adopted policy is to restrict the removal of original features which contribute to the character of an Architectural Conservation Area. The applicant has argued that the reconfiguration of the railing as gates would limit the visual impact. I disagree, in my opinion the removal of the railings along

with the granite plinth and the creation of a vehicular entrance at this location would be injurious to the streetscape and the character of the area and would undermine the integrity of the Architectural Conservation Area.

- 6.1.10 It is also my considered opinion that the proposed development does not comply with Policy AR12 which seeks to protect the character and special interest of an area which has been designated as an ACA while seeking to retain features that contribute to its character.

6.2 Other Issues:

I note that the proposed vehicular access does not comply with Section 8.2.4.9 (i) of the Development Plan which sets out a minimum width for a driveway of 3 metres. The current proposal shows the width of the vehicular access as 2.6 metres. In addition, the opening of an access here would result in the loss of a pay & display car parking space. The Council's Transportation Section has no objection to the opening of an access subject to its increase in width and relocation 1 metre south of the current proposal. In my view, while complying with the general development management standards for a new access, this would be contrary to the adopted policy to resist the removal of boundaries within Architectural Conservation Areas as set out in Section 8.2.4.9 (iv) and which applies in this case.

6.3 Appropriate Assessment

Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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.

7.0 Recommendation

- 7.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

8.0 Reasons and Considerations

The proposed development, comprising a new vehicular entrance, would be out of character with the historic pattern of front boundary treatment in Eaton Square, a designated Architectural Conservation Area in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would form a discordant feature in the streetscape and would contravene Policy AR12, Section 8.2.11.3 and Section 8.2.4.9 (iv) of said Plan. The proposed development would seriously injure the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area

Dáire McDevitt
Planning Inspector

28th March 2017