



An  
Bord  
Pleanála

## Inspector's Report PL06D.248128

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<b>Development</b>	Demolition of two-storey dwelling and construction of two-storey dwelling including dormer accommodation and widening of front gates from 2.7m to 3.25m.
<b>Location</b>	12 Marlborough Road, Glenageary, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown
<b>Planning Authority Reg. Ref.</b>	D16A/0899
<b>Applicants</b>	Orla and Peter Woods.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Orla and Peter Woods
<b>Observer</b>	Brian O'Connell
<b>Date of Site Inspection</b>	12 <sup>th</sup> of May 2017
<b>Inspector</b>	Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The appeal site is located at no. 12 Marlborough Road, Glenageary, Co. Dublin. It is situated to the south-east of Dun Laoghaire and to west of Dalkey. The Marlborough Road is a residential street which contains a mix of large detached and semi-detached properties sited on generous plots. The first properties were constructed in the Victorian period and the later properties were built in the early part of the twentieth century. Glenageary Dart Station is located at the junction of Marlborough Road and Station Road.
- 1.2. The subject site is situated on the eastern side of Marlborough Road has a stated area of 0.11207 hectares. The existing property no. 12, is a two-story detached dwelling which was constructed in the 1920's. The plot extends back from circa 61m and has frontage of 18m.
- 1.3. The northern, southern and western site boundaries are defined by a high mature hedgerow and trees. The front boundary features railings and hedgerow. The vehicular entrance is defined by capped pillars. The neighbouring properties to the north no. 13 'Crevamor' is a large three-storey detached Victorian dwelling and to the south no. 11 is a large two-storey detached dwelling.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of two-storey dwelling and construction of two-storey dwelling including dormer accommodation and widening of front gates from 2.7m to 3.25m. Features of the scheme include;
  - Site area – 0.11207 hectares
  - Floor area of existing dwelling to be demolished – 149.1sq m
  - Floor area of proposed dwelling – 329sq m

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for one reason;

1. It is considered that the proposal to demolish the existing dwelling would be contrary to Policies AR5, AR8 and AR17 and Section 8.2.3.4 (xiv) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022, where it is Council policy to retain, where appropriate; and encourage the reuse and rehabilitation of older buildings that make a positive contribution to the streetscape, and have a collective interest and streetscape character adding to the visual amenity of an area. The subject proposal would not preserve the existing building that is considered to positively contribute to the Marlborough Road Candidate Architectural Conservation Area (cACA) and its demolition would adversely affect the character of the cACA. It is therefore considered that the proposed development materially contravene the Dun Laoghaire Rathdown County Development Plan with regard to development in Candidate Architectural Conservation Areas, twentieth century architecture and replacement of urban dwellings. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity, would adversely affect the Marlborough Road Candidate Architectural Conservation Area and the streetscape, would be contrary to the proper planning and sustainable development of the area and would set a poor precedent for similar type development in the area.

### 3.2. Planning Authority Reports

- 3.2.1. Planning Report: It was considered that the reasons provided in the application did not detail why the existing house cannot be upgraded/expanded. Refusal recommended based on the proposal being contrary to policies AR5, AR8, AR17 and Section 8.2.3.4 (xiv) of the Dun Laoghaire-Rathdown Co. Development Plan and that it would materially affect the character of the Marlborough Road Candidate Architectural Conservation Area.

### 3.2.2. Other Technical Reports

3.2.3. Conservation Officer: Refusal recommended in the interests of preserving the Marlborough Road cACA. Insufficient information has been provided to justify the removal of the building and no rationale is provided as to why the building cannot be retained and extended.

3.2.4. Transportation Planning: No objections subject to conditions

3.2.5. Drainage Planning: No objections subject to conditions

### 3.3. **Third Party Observations**

The Planning Authority received one submission/observation in relation to the proposed development. The main issues raised are similar to those set out in the observation to the appeal.

## 4.0 **Planning History**

None on site

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The subject site at no. 12 Marlborough Road, Glenageary, Co. Dublin is located on Map 7 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Marlborough Road, Glenageary is a Candidate Architectural Conservation Area. The designation is confined to the dwellings and the front curtilage of the properties.
- Policy AR5 – refers to Buildings of Heritage Interest

It is Council policy to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a

streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

- ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.
- Policy AR8 – refers to Nineteenth and Twentieth Century Buildings, Estates and Features

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.
- Policy AR17 – refers to Development within a cACA

It is Council policy that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed.

Section 8.2.3.4 (xiv) – refers to Demolition and Replacement Dwellings

The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the grounds of replacement.

Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

## 5.2. Natural Heritage Designations

- 5.2.1. Dalkey Island SPA Site Code (004172) is 1.9km to the east of the appeal site.
- 5.2.2. Rockabill to Dalkey Island SAC Site Code (003000) is 2.2km to the east of the appeal site.
- 5.2.3. The site is located approximately 2.2km from the South Dublin Bay and River Tolka Estuary SPA Site Code (004024).
- 5.2.4. The site is located approximately 2.2km from South Dublin Bay SAC Site Code (000210).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was lodged by Manahan Planners, Town Planning Consultants on behalf of the applicants Orla and Peter Woods on the 6<sup>th</sup> of March 2017. The main issues raised are as follows;

- It is argued that while the existing dwelling contributes to the character of Marlborough Road candidate Architectural Conservation Area it represents one element and the proposed replacement building would equally contribute to the character.
- The proposed development when completed would not erode the character of the streetscape.
- It is considered that in terms of the overall streetscape that the character of no. 12 itself has little merit. It is not a Protected Structure and therefore is open for consideration to be demolished.
- There are difficulties with the existing house in terms of the small rooms, poor insulation, low ceilings and low energy rating. It is noted that many of the dwellings on the road have been extended in recent years.
- The existing dwelling has an energy rating BER F. A newly constructed dwelling could achieve a rating of A3.

- The appeal submission includes a report from Andrew Lohan, a Conservation Architect. It is stated in the report that the subject property is one of the later and smaller houses to have been developed on Marlborough Road and unlike other houses it has not been substantially extended. It is considered that the proposed development would be comparable to the size of existing adjoining houses and there would be no adverse impact in terms of scale and height on either adjoining property.
- The report also states that the proposed design complements the character of the setting. The form, design and materials proposed are in keeping with the houses on Marlborough Road. It is noted that several of the houses on Marlborough Road feature external renovations. The appearance of these renovated houses is essentially the same as that of the proposed house.
- The report of the Planning Authority refers to section 11.3.11 and 11.3.14 of the Development Plan. Section 11.3.13 refers to candidate Architectural Conservation Areas, the appellants note in relation to that section of the Plan that “the preservation of the existing character of an area does not preclude all forms of development.”
- Section 11.3.14 refers to twentieth century buildings and estates and seeks to ensure that the special interest of the structure/estate is not compromised.
- In relation to these policies it is submitted that the proposed development is fully respectful of its location with the cACA and that it will not compromise the special interest of twentieth century buildings on Marlborough Road. It is argued that the proposed development is an appropriate development which will not compromise the special interest of the road.
- The first party appellants cite a recent application and appeal at no. 23 Marlborough Road. Under Reg. Ref. D15A/013 & PL06D.244888 where permission was refused by the Planning Authority for the sub-division of a detached dwelling to provide 2 no. dwellings. The Board overturned the decision and granted permission. It was stated in the Inspector’s report that the original design aesthetic was maintained and enhanced in terms of scale, materials, symmetry and proportions in the streetscape.

- The appellants state that the current proposal is similar to the cited case. They consider that the original design aesthetic has been maintained and enhanced and it is in keeping with the streetscape character.
- The applicant's Conservation Architect considers that the original houses were freestanding and separate from their neighbours and this is a crucial part of the streetscape character. It is argued that the proposed dwelling will present as a freestanding house appropriately located on the site and that it will not detract from the cACA.
- It is requested that the Board grant permission for the reasons set out in the appeal.

## 6.2. Planning Authority Response

- It is considered that the proposed development is not acceptable. The existing well-established dwelling positively contributes to the character of the area (designated as in an ACA), is consistent with the character of the surrounding houses and its demolition could help set a negative precedent for similar development in the area.

## 6.3. Observations

An observation to the appeal was submitted by Mc Cauley Daye O'Connell Architects on behalf of Brian O'Connell on the 30<sup>th</sup> of March 2017. The main issues raised concern the following;

- The observer does not have an objection to the principle of the proposed development. His concerns relate to the design and location of the dwelling on site.
- The proposed dwelling would be located closer no. 13 than the existing dwelling. The proximity of the dwelling would result in the overshadowing and the blockage of light to the rear garden of no. 13.
- The proposed first floor projection is the closest point of the proposed dwelling to no. 13. The first floor projection to the dwelling is out of character with the



streetscape design. The blank wall would have an overbearing impact when viewed from no. 13.

- The proposed floor level is not indicated on the plans. The height of the proposed dwelling is circa 2m higher than the existing dwelling.
- It is requested that revised drawings be submitted indicating all dimensions to the boundaries and proposed floor levels. It is requested that a shadow and day light analysis of the current and proposed house be provided.
- The observer requests that the Board uphold the decision of Dun Laoghaire Rathdown Co. Council and refuse permission for the proposed development.

## 7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Development Plan policy
- Design and impact on Candidate Architectural Conservation Area
- Appropriate assessment

### 7.1. Development Plan policy

7.1.1. The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. Under this zoning objective residential development is permitted in principle. Marlborough Road is a candidate Architectural Conservation Area. The appellants consider that the proposed development is in accordance with and achieves all relevant development plan standards in relation to residential development of this nature and also is in accordance with the zoning objective and state that permission should be granted accordingly.

7.1.2. The Planning Authority refused permission on the basis that the proposed demolition of the existing detached two-storey dwelling and the construction of a detached two-

storey dwelling with dormer would be contrary to Policy AR5, AR8, AR17 and Section 8.2.3.4 (xiv) of the Development Plan. Section refers to 8.2.3.4 (xiv) refers to Demolition and Replacement Dwellings. Policy AR5 refers to Buildings of Heritage Interest. Policy AR8 refers to Nineteenth and Twentieth Century Buildings, Estates and Features and Policy AR17 refers to Development within a cACA.

- 7.1.3. Regarding Candidate Architectural Conservation Areas, policy AR17 states that it is Council policy to have regard to the impact of development on the character of the area. It is also stated that the designation does not preclude all forms of development and that proposals for new development should preserve or enhance the character and quality of the candidate Architectural Conservation Area. Accordingly, I shall assess the proposed design having regard to the site context within Marlborough Road candidate Architectural Conservation Area.
  - 7.1.4. Policy AR8 refers to the promotion of the appropriate development of distinctive twentieth century buildings and estates to ensure that the special interest of the structure or estate is not compromised. In relation to the proposal to demolish the dwelling it is advised in Section 8.2.3.4 (xiv) that the Council may state a preference to retain existing houses that, while not Protected Structures, do have their own merit or contribute beneficially to the area in terms of visual amenity and character. It is also advised that applications for replacement dwellings shall also have regard to Policies AR5 and AR8 and that the retention and reuse of an existing structure will be encouraged over replacing a dwelling.
  - 7.1.5. Accordingly, having regard to the above Development Plan policies it is necessary to establish if the proposed demolition of the dwelling and its' replacement with a new larger dwelling would be acceptable in terms of the location of the site within the cACA.
- 7.2. Design and impact upon the candidate Architectural Conservation Area
    - 7.2.1. The appellants contend that the proposed development is fully respectful of its location within the candidate Architectural Conservation Areas and that the character of the existing dwelling has little merit, that it is not a Protected Structure and therefore is open for consideration to be demolished. The reasons provided by the appellants to make the case for the demolition of the property is that the existing house has small rooms with low ceilings, there is poor insulation and low energy

rating BER F. It is noted that many of the dwellings on the road have been extended in recent years. The appellants note that a newly constructed dwelling could achieve an energy rating of A3.

7.2.2. Regarding the established morphology of Marlborough Road the street contains a mix of large detached and semi-detached dwellings. The earlier built properties from the Victorian period comprised semi-detached properties and the later properties which were built in the early part of the twentieth century were predominantly large detached dwellings.

7.2.3. The subject dwelling was built in the 1920's and it is set back circa 16m from the road and it features a gravelled drive and grassed front garden. The dwelling features a hipped roof with three chimneys. The roof is clad with red roof tiles. To the front elevation there is a gable roof feature with 'Mock Tudor' black timber facing. This design feature is replicated in the gable roof of the garage. The walls of the property are rendered and painted cream. The front door is located to the eastern side of the dwelling and set back from the main front building line. It is served by a portico also set back from the front building line. The roof of the portico is also clad with red roof tiles. At ground floor there is a shallow bay window. These design features reference architectural influence from the International Moderne Movement and also English vernacular styles. The neighbouring property to the south no. 11 while a larger detached property features the same architectural style as does the property to the south of it no. 10. Similarly, on the opposite side of the road the dwellings built in the 1920's have the same design features which provides an overall attractive and coherent architectural character which contributes to the special character of Marlborough Road candidate Architectural Conservation Area.

7.2.4. The appellants have cited a recent appeal case PL06D. 244888 where permission was refused by the Planning Authority for the sub-division of a detached dwelling at no. 23 Marlborough Road to provide 2 no. dwellings. The Board overturned the decision and granted permission. While, I note the cited case refers to a property on Marlborough Road it differs from the current proposal as it did not involve the demolition of that 1920's dwelling.

7.2.5. In terms of assessing the visual impact of the proposed development on the candidate Architectural Conservation Areas it is necessary to consider the design of

the proposed new dwelling and particularly the front elevation. The front (western) elevation addresses Marlborough Road on the eastern side. The proposed dwelling would be larger in floor area by circa 180sq m from the existing dwelling. The proposed ridge height would be higher than the neighbouring property no. 11 to the south. The proposed roof area would also be larger than the existing dwelling and neighbouring property no. 11.

- 7.2.6. The proposed width of the new dwelling is 14.5m which is 4.5m more than the existing. While the proposed roof features a gable fronted element it is to the northern side of the façade which is the opposite of the existing dwelling and it does not feature the timber facing. The gable feature projects forward at ground and first floor level and while I note that some of the fenestration to the front elevation does endeavour to replicate the symmetry and proportions in the streetscape, the proposed fenestration to the central area adjoining the doorway and above, it is in my opinion out of character with the design of surrounding properties. The proposed chimney to the southern side of the dwelling also differs from design character of the surrounding properties.
- 7.2.7. In order to provide that the character of Marlborough Road candidate Architectural Conservation Area is not materially or adversely impacted it is necessary to ensure that any proposal would not unduly detract from the special character of the streetscape. In my opinion, the existing dwelling makes an important contribution to the streetscape by continuing the design aesthetic of architectural influence from the International Moderne Movement and also English vernacular styles.
- 7.2.8. Thus, I concur with the Planning Authority that the existing dwelling is of architectural and streetscape merit and contributes to the character of the area and that its' demolition would create an undesirable precedent for similar types of development in the area which would, over time, incrementally and cumulatively erode its special character.
- 7.2.9. The design of the proposed dwelling in my opinion is not of sufficient architectural design quality to justify demolition of the existing building. I would also concur with the Planning Authority that the appellants have no provided sufficient reasons to justify the demolition of the existing dwelling.

### 7.3. Appropriate Assessment

- 7.3.1. In relation to the matter of appropriate assessment, I consider that having regard to the nature and scale of the proposed development namely the demolition of an existing dwelling and the construction of a new dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

## 8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for this development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. The site is located in an area which has an attractive and coherent architectural character which forms part of Marlborough Road candidate Architectural Conservation Area. Having regard to the pattern of development in the area and the design and setting of the existing dwelling within the streetscape, which is of some character and contributes to the street scene and the design of the new building, it is considered that the proposed development is not of sufficient architectural design quality to justify demolition of the existing building. The proposed development would be contrary to Policies AR5, AR8, AR17 and Section 8.2.3.4 (xiv) of the Dún Laoghaire-Rathdown Development Plan 2016-2022 and would create an undesirable precedent for similar types of development in the area which would, over time, incrementally and cumulatively erode its special character. The proposed development would be out of character with and unduly detract from the character of Marlborough Road candidate Architectural Conservation Area and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Siobhan Carroll  
Planning Inspector

29<sup>th</sup> of May 2017