



An  
Bord  
Pleanála

## Inspector's Report PL06D.248320

### Development

Demolition of single storey rear extensions and construction of front porch, single storey rear extension, and alterations to roof pitch to facilitate construction of attic level extension and balcony, and associated internal and external works.

### Location

Abilene Gate Lodge, Newtownpark Avenue, Blackrock, Co. Dublin.

### Planning Authority

Dun Laoghaire-Rathdown County Council

### Planning Authority Reg. Ref.

D17A/0037

### Applicant(s)

Alan Fitzpatrick & Nicola Bowers

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party -v- Decision

### Appellant(s)

Alan Fitzpatrick & Nicola Bowers

### Observer(s)

None

**Date of Site Inspection**

6<sup>th</sup> & 12<sup>th</sup> July 2017

**Inspector**

Hugh D. Morrison

## 1.0 Site Location and Description

- 1.1. The site is located on the north western side of Newtownpark Avenue (R113), close to its junction with the Stillorgan Road (N11) and Leopardstown Road (R113). This site lies at the entrance to Abilene Lodge, a dwelling house set within its own extensive landscaped grounds that dates from c. 1700. A similarly designed dwelling house, known as Eversham Lodge, lies at a short remove to the south west of the site and it is in use as a liturgical resource centre.
- 1.2. The site is of regular shape apart from its curved frontage that encloses a vehicle refuge forward of the gated entrance to Abilene Lodge. This site has an area of 98 sqm and it presently accommodates a single storey gate lodge (43 sqm), which has been extended to the front and to the rear to, variously, provide additional habitable accommodation, a kitchenette, and a sun room. An internal toilet has also been installed. The gate lodge is served by a paved area to the front and a garden to the rear. There is a boiler house and an oil tank in the latter.
- 1.3. Eversham Lodge was also served by a gate lodge historically. The site of this gate lodge adjoined that of the current site. However, it has been redeveloped to provide a new dwelling house, which is accompanied by a further new dwelling house to the rear.

## 2.0 Proposed Development

- 2.1. The proposal would entail the following items:
  - Demolition of the single storey flat roof non-original extensions to rear (8.2 sqm).
  - Construction of a new porch (2.8 sqm) on the front elevation, alterations to the pitch of the main roof to facilitate a new flat roof, attic level, extension (23.8 sqm) above a new single storey extension (6.1 sqm) to the rear of the dwelling. The attic level extension will include a balcony (6.3 sqm) on the rear elevation with opaque glazed screens to its south western and north eastern sides.
  - Other external works to include the removal of the rear chimney stack and its replacement with a flue, the replacement of all windows, including the enlargement of the window in the front (south eastern) elevation, and the

installation of a new window in the existing opening in the north eastern elevation, and the erection of new replica fascia detailing to the exposed north eastern gable.

- Internal alterations and modification works.
- Provision of a granite-paved patio/court yard to front and rear (9.0 sqm), the replacement of a boiler shed, the repair and upgrade of boundary treatments, the introduction of SuDS drainage, and all other ancillary works necessary to facilitate the development.

2.2. The proposal will not result in any change to the number of bedrooms, which would remain constant at one. The existing floorspace is 43 sqm, of which 8.2 sqm would be demolished and 34.8 sqm would be retained. The new build elements would have a floorspace of 32.7 sqm and so the proposed gate lodge would have a floorspace of 67.5 sqm.

2.3. Abilene Lodge is a protected structure and the gate lodge was advertised as being within its curtilage.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reason:

*Having regard to the design, height, scale and massing of the proposed extensions and alterations, it is considered that they would overwhelm and detract from the appearance of the existing gate lodge located within the curtilage of a protected structure, and would be out of character with it. The proposed extensions and alterations would be visually obtrusive, seriously injurious to visual amenities in the area and would set an undesirable precedent. The proposed development therefore does not comply with Policy AR1 of the 2016 – 2022, Dun Laoghaire-Rathdown County Development Plan. The proposed development would therefore seriously injure the amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

Refer to Conservation Officer's advice and the reason for refusal.

### 3.2.2. Other Technical Reports

- Surface Water Drainage: No objection, subject to condition.
- Transportation Planning: No objection, subject to condition.
- Conservation Officer: Objects, on the basis that the proposal would be unsympathetic, in terms of its scale, height, and massing, with the character of the gate lodge, in particular its roof profile, and, as such, it would contravene Policy AR1 and Section 8.2.11.2(i) of the CDP.

## 3.3. **Prescribed Bodies**

DoAHRRGA: The gate lodge makes a minor contribution to the character of Abilene Lodge, the protected structure. The proposal would significantly change the character of the gate lodge and, as this lodge is the first point of contact with the protected structure, its visual impact upon the same is of importance. While the Department shares the Conservation Officer's concerns, it considers that the said impact upon the protected structure is the most pertinent issue. Its view is that the proposal would fail to complement this structure. However, an alternative design approach may do so and so the Board is invited to consider a request for revised information in this respect.

## 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

PAC/479/16: Pre-application consultation occurred in September and October 2016.

## 5.0 Policy Context

### 5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as being subject to Zoning Objective A, “To protect and/or improve residential amenity.” The gate lodge on the site lies within the curtilage to protected structure RPS ref. no. 1450, Abilene Lodge.

### 5.2. Natural Heritage Designations

n/a

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicants begin by stating that the gate lodge has been altered over the years and they outline how unsuitable it is for human habitation, due to its internal layout, dampness, and low BER energy ratings. Consequently, without intervention, its condition will continue to deteriorate. They also outline the rationale for the proposal as originally submitted and they draw attention to the Conservation Officer’s advice, which includes an acceptance of the principle of development and of the adoption of contemporary design.

The applicants proceed to cite the following grounds of appeal:

- Zoning
  - The proposal would entail the removal of unsympathetic later additions to the gate lodge and the construction of new ones that would ensure the retention of the character and appearance of this lodge without adversely affecting the residential amenity of neighbouring properties. Both Policy UD1 and the Zoning Objective for the site would be thereby fulfilled.
  - Attention is drawn to Policy RES4 which seeks to improve and conserve the existing housing stock: this the proposal would do.

- Chapter 8 of the CDP advises on alterations and extensions to existing dwellings. The proposal would adhere to relevant qualitative and quantitative standards in these respects.
- Extensions to dwellings
  - Section 8.2.3.4 advises on domestic extensions. The proposal would represent an innovative approach to a site wherein adherence to this advice is inherently difficult and yet objectives of habitability and energy conservation are at stake.
- Planning assessment
  - Attention is drawn to the case planner's assessment that the proposal would not lead to significant overshadowing of adjacent windows in Eversham Gate Lodge. Likewise, given the intervening distance of c. 60m between the gate lodge and Abilene Lodge, overshadowing or overlooking of the latter by the former would not arise. Overlooking to the west from the proposed balcony would be mitigated by 1.8m high opaque screens.
  - The proposed extended gate lodge would remain subservient in scale to the adjacent Eversham Gate Lodge and so it would uphold the visual amenities of the area.
  - Existing private open space to the rear of the gate lodge is prejudiced by the presence of an oil tank and a boiler shed. Under the proposal, 16.4 sqm of such space would be laid out as a patio and 6.3 sqm as a balcony. In the circumstances of the site such provision attracted no objection from the Planning Authority.
  - The existing patio area to the front of the gate lodge would be retained. As this area is recessed, it provides space for passive recreation.
  - No car parking provision is made on the site. Several bus routes serve the surrounding locality.
- Alternative design options
  - Attention is drawn to the Planning Authority's position which recognises that, due to the modest scale of the gate lodge, its extension in principle is

accepted to facilitate modern day living. Two alternative design options have thus been submitted for the Board's consideration.

- Protected structure status:
  - The applicants question the Planning Authority's view that the gate lodge is protected by virtue of being in the curtilage of Abilene Lodge, which is a protected structure (ref. no. 1450). In this respect they draw attention to the absence of any mention of the gate lodge from the RPS entry for ref. no. 1450, which contrasts with other comparable properties in the RPS. They also draw attention to the absence of any continuing formal relationship between Abilene Lodge and the gate lodge.
  - The proposal was not the subject of any observations by third parties or, at the application stage, prescribed bodies.

## 6.2. **Planning Authority Response**

No new matters have been raised that would prompt the Planning Authority to make a different decision.

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties and consultees. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Conservation,
- (ii) Design,
- (iii) Amenity, and



(iv) AA.

**(i) Conservation**

- 1.1 The applicants have, at the appeal stage, questioned whether the gate lodge on the site can still be considered to be within the curtilage of Abilene Lodge, a protected structure. They do not question that this lodge was within the said curtilage historically. However, as, unlike comparable entries in the RPS, it is not identified along with Abilene Lodge as an item for protection, and as it no longer has a formal relationship with this Lodge, they contend that it should not be regarded as being protected.
- 1.2 I note that heretofore the applicant did not question the gate lodge's inclusion within the curtilage at issue. I note, too, that both the Planning Authority, including the Conservation Officer, and the DoAHRRGA have not raised any doubts as to its inclusion.
- 1.3 In relation to the specific points raised by the applicant, I have not undertaken an exhaustive search of the RPS to establish if the examples cited by the applicant are representative of the overall pattern of identified lodges and gate lodges. My understanding is that the explicit identification in an RPS entry is not necessary to establish that a building within the protected structure's curtilage is itself protected. Furthermore, I am not clear as to what the formal relationship was that the applicants consider has now been lost. During my site visit, I observed that the gate lodge lies within the southernmost corner of the grounds to Abilene Lodge and, as the DoAHRRGA emphasises in its advice, it occupies an important "gate keeper" position beside the entrance to this Lodge that conveys a first impression to anyone on their approach to this protected structure. I also observed that from within the immediate vicinity of Abilene Lodge there is no line of sight to the gate lodge, due to the extensive, thick, and mature array of trees and shrubs that lie between these two dwelling houses. The maturity of this vegetation is such that I doubt that a line of sight has existed for many years.
- 1.4 In the light of the above discussion, I consider that the gate lodge can still be regarded as lying within the curtilage of Abilene Lodge, which is a protected structure, and so, by virtue of this siting, the gate lodge is protected, too.

1.5 The applicant has submitted a Conservation Report, which provides a commentary on the subject gate lodge. This commentary describes the lodge as being “quaint and Italianate” with shallow pitches to its roof and the suspicion of an open pediment to the exposed north eastern gable. It considers that the original footprint would have been square, although it is now “L” shaped with a front extension. However, as only the earliest of the submitted historic map extracts shows a square footprint, this extension may be of some considerable age, including its ornately detailed fascia to the front gable and its overhanging eaves within the “L”.

1.6 I inspected the interior of the gate lodge and its rear garden, which has been encroached upon by means of kitchenette and sun room extensions and a boiler house and an oil tank. The interior has been altered over the years with, amongst other things, the insertion of an indoor toilet. Little of conservation interest remains, except perhaps for the fire place in the living room and attractive double doors between the living room and the bedroom.

1.7 I consider that the main inherent conservation interest pertaining to the gate lodge emerges from its front and exposed side elevations and the resulting diminutive and attractive building which arises from its proportions, which include a low slung roofscape, and detailing to the edge of the same. Thus, these elevations are the more sensitive and so any alterations and extensions to the gate lodge need to be informed by a recognition of this.

1.8 I conclude that the gate lodge lies within the curtilage of Abilene Lodge, a protected structure, and so it is itself protected. This lodge acts as “a gate keeper” to the principal Lodge and so, by virtue of this role, they maintain a formal relationship with one another. I conclude, too, that its main inherent conservation interest pertains to the proportions and detailing of the front, street-side, and exposed north eastern gabled elevations.

## **(ii) Design**

2.1 The existing gate lodge has a floorspace of 43 sqm and it is in poor condition as outlined in the applicants’ Conservation Report. All parties and the consultee to this appeal agree that in principle the gate lodge is in urgent need of renovation and that its extension, to achieve a modern standard of amenity for future

residents, is acceptable, in principle. Where the differences of view lie is over the question as to how these objectives are to be achieved.

2.2 The design approach adopted by the applicants is to seek to raise the height of the retained portion of the gate lodge in conjunction with the addition of a two storey rear extension. A front extension would also be added, which would largely “fill-in” the “L” of the existing footprint. Consequently, the pitch of the main roof would be raised to the front and rear and a higher ridge line of 4.811m would be achieved, compared to the existing one of 3.8m. Under the original proposal, the two storey rear extension would extend upwards beyond the new ridge line to a height of 6.035m, i.e. a further 1.224m. Its resulting streetscape profile would present as a zinc elevation with a series of three windows in it. The side profile of the two storey rear extension would comprise a ground floor of conventional form and appearance and a first floor of atypical shape that is clad in zinc.

2.3 The Planning Authority's draft reason for refusal critiques the outcome of the aforementioned design approach, on the grounds that it would overwhelm the existing gate lodge, be out of character with it, and be visually obtrusive.

2.4 The applicants have sought to respond to this critique at the appeal stage by modifying the design of the proposed first floor rear extension. Thus, under option 1, they propose to set back the front elevation of this extension to a position to the rear of the ridgeline of the main roof and to set in and slightly slope its sides, and, under option 2, they would, in addition, omit the windows from this elevation. Associated alterations to the interior layout of this extension would ensue.

2.5 I note that, under the aforementioned two options, the front elevation would still extend upwards to the same height as originally proposed and so its presence would continue to loom above the ridgeline to the raised main roof. This elevation would be shapelier and with the omission of the windows it may not draw the eye as much as would otherwise be the case. Nevertheless, the Planning Authority's essential critique would remain intact.

2.6 I consider that a different design approach is needed. Elsewhere, in comparable situations, where the sensitive streetscape presence of a building needs to be

respected on conservation grounds, two storey rear extensions have been permitted and constructed, which entail the construction of a partially subterranean level to provide a lower ground floor with an upper ground floor above, thereby ensuring that the extension is wholly hid behind the profile provided by the building's pre-existing front elevation. The Board may wish to invite the applicants to explore such an approach in this case, under a request for further information.

2.7 I conclude that, notwithstanding the further options submitted at the appeal stage, the proposal would, due to its height, form, and appearance, be an anomalous and incongruous addition to the gate lodge, which would be unsympathetic to its character and hence harmful to its relationship with the protected structure, Abilene Lodge, and its streetscape presence.

### **(iii) Amenity**

3.1 The proposal would, markedly, improve the standard of amenity afforded by the gate lodge to future residents. Thus, the extent and layout of the interior and the dedicated private open space to the rear would be satisfactory. As at present, no off street car parking space would be available. However, the site is on a bus route and close to the Stilloragn QBC. A boiler and store beside the rear patio would provide space for a bicycle or bins.

3.2 The design of the proposal, as discussed under the second heading of my assessment, would have an impact upon the amenities of the adjacent dwelling house to the south west, known as Eversham Gate Lodge. The presenting side elevation of this dwelling house comprises two gabled elements with a connecting flat roof element between them. There are windows in each of these elements, the lighting to and outlook from which are clearly affected by the existing gate lodge. The raising of the height of the main roof and, more especially, the proposed first floor extension would increase the impact upon these windows, in terms of lighting and outlook, over that which pertains at present. Clearly, an alternative design approach, such as that outlined under the second heading of my assessment, would reduce this increase and so be more compatible with the amenities of this adjacent dwelling house.

3.3 The proposal would provide a satisfactory standard of amenity to future residents of the gate lodge. The scale of this proposal would affect the amenities of the adjacent dwelling house to the south west to a greater extent than that which pertains at present. However, if an alternative design approach were to be adopted, then there would be scope to reduce such additional impact.

**(iv) AA**

4.1 The gate lodge is neither in nor near to a Natura 2000 site. This lodge is on a serviced urban site and the proposal would only entail alterations and extensions to the same. Accordingly, Appropriate Assessment issues would not arise.

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

## **8.0 Recommendation**

That this proposal be refused.

## **9.0 Reasons and Considerations**

Having regard to Policy AR1 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the proposal would, due to its height, form, and appearance, be an anomalous and incongruous addition to the gate lodge, which would be unsympathetic to its character as a dwelling house within the curtilage of Abilene Lodge, which is a protected structure. By the same token, the formal relationship of this gate lodge to Abilene Lodge, which arises from its streetscape presence at the entrance to this protected structure, would be harmed. Thus, the proposal would contravene Policy AR1 of the Development Plan and it would be seriously injurious to the amenities of the area. Accordingly, it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector  
14<sup>th</sup> July 2017