



An
Bord
Pleanála

Inspector's Report PL06D.248378

Development	Alterations and extension to dwelling
Location	2 Vesey Mews, Monkstown, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown
Planning Authority Reg. Ref.	D17A/0080
Applicant	Kathy Prendergast
Type of Application	Permission
Planning Authority Decision	Split decision
Type of Appeal	First Party
Appellant	Kathy Prendergast
Observers	(1) Kevin & Anne Marie McGrath (2) Simon & Gail Kilroy (3) Eamon & Sheelagh Galligan
Date of Site Inspection	7/7/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 2 Vesey Mews, Monkstown, Co. Dublin. It is situated to the west Dun Laoghaire and on the fringes of Monkstown Village. Vesey Mews is accessed via a lane off Vesey Place to the east. The lane separates the two Victorian terrace blocks which form Vesey Place. Vesey Place is designated a Candidate Architectural Area and the properties within the terraces are designated Protected Structures. Vesey Place was built in the 1860's and the terrace was named after the Vesey (de Vesci) family who were landlords of the area. The properties have an outlook over Vesey Public Park to the east.
- 1.2. The appeal site contains a one and a half storey semi-detached mews dwelling. The south facing elevation features a gable wall with a porch. The west facing elevation contains a small circular first floor window and two dormer windows with pitched roof finish and a bay window at ground floor.
- 1.3. The rear north facing elevation which addresses the main house No. 2 Vesey Place (Protected Structure) comprises a plastered and pedimented façade. The wall features a recessed arch at ground floor level with a narrow linear band to define the upper floor which has a rectangular recessed feature. The ornate gable wall hides the hipped roof of the mews dwelling and it was designed to provide visual interest when viewed from the main house. This architectural feature is replicated in the adjoining mews dwelling and the other pairs of mews dwellings to the east.
- 1.4. The rear garden of the property is defined by a capped stone wall to the east and west. The boundary with No. 2 Vesey Place to the north is defined by a capped block wall.

2.0 Proposed Development

- 2.1. Alterations and extension to mews dwelling. Features of the scheme include;
 - Single storey extension to the western side of the dwelling
 - Single storey extension the 'side' fronting the rear elevation of no. 2 Vesey Place

- Internal alterations
- Removal of the plaster finish to the external stone walls
- new front entrance gates with pedestrian access

3.0 **Planning Authority Decision**

3.1. **Decision**

A split decision was issued by the Planning Authority.

(1) Permission was refused for the proposed extension to the 'side' fronting the rear elevation of no. 2 Vesey Place and the removal of the plaster finish to the external stone walls of the house.

(2) Permission was granted for internal alterations, the demolition of existing front entrance, extension to western side of the dwelling, alterations to two existing dormer windows at first floor, 2 no. new roof lights and new front entrance gates with pedestrian access.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The extension to the western side of the dwelling and the internal alterations considered acceptable. Refusal recommended for the extension to the 'side' fronting the rear elevation of No. 2 Vesey Place and the removal of the external plaster finish.

3.2.2. Other Technical Reports

3.2.3. Drainage Planning – No objections

3.2.4. Transportation Planning – No objections subject to conditions

3.2.5. Conservation Officer – Recommended that the extension to the 'side' fronting the rear elevation of No. 2 Vesey Place be omitted in the interests of preserving the character of the Mews dwelling and its intended relationship with the main house a Protected Structure. The visual obtrusion of the side elevation would be detrimental to the architectural unity of the mews dwelling and its relationship with the parent

building. It is recommended that the walls of the existing property remain rendered and painted and not stripped to expose underlying stonework in the interest of retaining the original character of the mews dwelling.

3.3. **Third Party Observations**

The Planning Authority received two submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the observations to the appeal.

4.0 **Planning History**

None on site

Adjoining Site

Reg. Ref. D05B/0763 – Permission was granted for single storey extension to the side and rear of no. 3 Vesey Mews the adjoining dwelling. The development was carried out.

Reg. Ref. D03A/0235 – Permission was granted for refurbishment of existing basement area, its incorporation into main house, new garden room extension to rear of ground floor return, the enlargement of existing terraces, 2 no. to front of house and 1 no. to rear of house, alterations to existing en-suites at first floor level and provision of additional bathroom at second floor return level of No. 2 Vesey Place. This permission was not implemented.

5.0 **Policy Context**

5.1. **Development Plan**

The subject site at 2 Vesey Mews, Monkstown Co. Dublin is located on Map 3 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective A ‘to protect and/or improve residential amenity’.

- Vesey Place and Gardens to the north is a Candidate Architectural Conservation Area.

- All the dwellings along Vesey Place to the north comprising Victorian Terrace properties are Protected Structures.

5.2. **Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

- Section 13.8 refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area.
- A new development could also have an impact when it is detached from the Protected Structure and outside the curtilage and attendant grounds but visible in an important view of or from the Protected Structure. The extent of the potential impact of proposals will depend on the location of the new works the character and quality of the Protected Structure its designated landscape and its setting and the character and quality of the Architectural Conservation Area.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal was lodged by Marston Planning Consultancy on behalf of the applicant Mrs Kathy Prendergast on the 24th of April 2017. The main issues raised concern the following;

- The applicant welcomes the positive decision in relation to the majority of the works which were applied for.
- In relation to the elements which were refused permission the applicant proposes to amend the design. The proposed extension abutting the rear wall with No. 2 Vesey Place has been moved to the western side of the site.
- It is also not now proposed to remove the external plaster work to the mews.
- The Planning Authority has not formally acknowledged the merit of the design of the mews dwellings and their relationship to the dwellings on Vesey Place either as designating as a Protected Structure or by attaching them to listing of the dwellings on Vesey Place. Therefore, the mews cannot be viewed as being Protected Structures nor within the current curtilage of a Protected

Structure. The property has been separate to No. 2 Vesey Place for the past 40 years.

- Regarding the pattern of development in the area it is stated that the majority of properties have been converted into residential use. But contrary to the views of the observers and the Conservation Officer it is not an intact group of mews buildings that have retained their relationship with the properties along Vesey Place. It is noted that over the years changes have occurred to the rear elevations of a significant number of properties along Vesey Place.
- In relation to the proposed internal alterations, demolition of the porch and modern bay window, the two new dormers to the western elevation, two rooflights and the new gates and pedestrian access that these elements were considered acceptable by the Conservation Officer and the Planning Authority and were granted permission. It is requested that permission be granted for these elements as there are no grounds for overturning the Planning Authority decision.
- In relation to the proposed single storey side extension with green roof this proposal was considered acceptable by the Planner and Conservation Officer. It is proposed to install an additional rooflight and French doors which is a revision to the granted extension.
- Regarding the proposed rear extension the main concern of the Conservation Officer and the Planning Authority was the architectural and historical relationship between the Protected Structure and the mews dwelling.
- It is contended that the group of mews buildings have been materially altered by the sub-division of the plots and changes to the rear elevation of a number of the mews properties.
- The relationship between the subject property and no. 2 Vesey Place had been materially altered by the sub-division of the overall plot. Permission was granted for an extension to the rear of no. 2 Vesey Place although it was not implemented.

- The proposed rear extension with the inclusion of a courtyard ensure that it is set back from the rear elevation of the mews to provided that its character is retained.
- It is proposed to address the matter of the location and design of the rear extension by relocating it to the western side of the site. It is considered that the revised design would retain the setting, character and arrangement between no. 2 Vesey place and no. 2 Vesey mews. It would address the matter of the visual relationship between the two properties. The modified rear extension is reduced in size and the proposed modern design would not result in any loss of architectural amenity.
- In relation to the matter of the external finish, the first party has confirmed that it is now not proposed to remove the external plaster work and that it will be required to be made good under the supervision of a suitably qualified conservation architect.
- The appellant requests that the Board overturn the decision of the Planning Authority to refuse permission for the rear extension for the reasons set out in the appeal.

6.2. Planning Authority Response

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

6.3. Observations

The Board received three observations to the appeal.

(1) Kevin & Anne Marie McGrath

- The observers request that the Board refuse permission for the proposed development on the basis that it would represent overdevelopment of the site.
- Should the Board decide to grant permission it is requested that a condition be attached restricting access to the green roof of the single

storey extension as the use of the roof would negatively impact upon their residential amenity.

- The observers are concerned that the replacement windows proposed to the west facing elevation are out of character with the existing property. They also consider that the larger windows would cause overlooking of their property.
- The observers request that the Board attach a condition to prevent the opening of the windows onto the single storey green roof.

(2) Simon & Gail Kilroy

- The scale of the proposed development is considered excessive and would represent overdevelopment of a very restricted site.
- The development will have an adverse impact on the residential amenities of the area and the candidate Architectural Conservation Area.
- The extension to the side and rear would negatively impact the integrity of the original mews and the character of the mews and the setting of the adjoining Protected Structures No. 2 & No. 3 Vesey Place.
- Should permission be granted it would create a precedent for the gradual breakdown of the relationship between the houses on Vesey Place and their mews or original coach houses.
- It is noted that the applicant has submitted revised plans with the appeal. The observers consider that the plans do not address their concerns. The revised plans break the building line which was a reason which the Planning Authority gave in the refusal issued.
- The observers do not agree with the case put forward by Mr Marston in the appeal that the relationship between the main houses on Vesey Place and the mews buildings have been altered to the extent that it is not worth protecting.
- It is requested that permission be refused.

(3) Eamon & Sheelagh Galligan

- The observers' property is No. 2 Vesey Place. The subject dwelling no. 2 Vesey Mews was the constructed as the mews of that property.

- The proposed development which would provide a dwelling with an area of 197sq m is not considered moderate in scale.
- The proposed extensions would result in the mews being located 14.5m from the rear elevation of No. 2 Vesey Place.
- The area proposed for car parking to the southern side of the site is insufficient to serve two cars parked side by side. There is inadequate space provided for vehicular turning manoeuvres. The conversion of the existing manoeuvring area to a courtyard garden removes this facility.
- The proposed three bedroom dwelling would require two car parking spaces. The difficulty in providing adequate car parking and associated turning area demonstrates that the proposal represents overdevelopment of the site.
- The proposed rear courtyards would provide an area less than the required 48sq m of open space.
- It is considered that the proposed development would impact adversely and materially on the historic relationship between no. 2 Vesey Place and its former mews.
- The proposed extension containing the bedrooms would be located between the distinctive rear elevation of the mews and the main house. The historic and decorative treatment of the rear elevation of the mews was designed to relate to and contribute to the amenities of the main dwelling.
- The garden boundary wall was erected by the previous owner of no. 2 Vesey Place. The wall somewhat impedes the relationship between the two properties. There is a partial view of the decorative wall from the rear garden of no. 2 Vesey Place and a full view is available from the upper floor windows.
- The proposed replacement of the dormer window with large flat roofed dormer windows would alter the character of the property.
- The public notices did not state that the site is in the curtilage of the Protected Structure No. 2 Vesey Place. The application did not include a

design statement with reference to the Protected Structure and no contiguous elevations with No. 2 Vesey Place have been provided.

- In relation to the decision of the Planning Authority it is considered that the western extension would render the building inconsistent with the external form and character of the mews dwelling and would break the rear building line.
- The refusal issued by the Planning Authority did not refer to the inadequate open space or the scale of the proposed extension.
- In relation to the report of the Conservation Officer the observers would disagree with the view of the Conservation Officer that no. 2 Vesey Mews is merely within the attendant grounds of No. 2 Vesey Place. They consider given the care taken in the design of the gable of the mews to ensure visibility from the main house the formal relationship between the main structure and the mews remains strong. Therefore, they hold the view that the mews is in the curtilage of the Protected Structure and that it would therefore enjoy the same protected status.
- Regarding the proposed amendments to the development submitted with the first party appeal it is contended that the plans represent a new scheme for a different extension in a different location and not amendments to the original scheme.
- Therefore, it is contended that the Board is precluded from taking account of the revised plans which were submitted.
- Contrary to the suggestion in the appeal no unauthorised development has been carried out at no. 2 Vesey Place. The window inserted at the ground floor of the return does not materially affect the character of the Protected Structure and therefore is exempt.
- The outline Architectural Assessment submitted with the appeal does not satisfactorily address the impact of the proposed development on the character and setting on no. 2 Vesey Place.

6.4. Further Responses

6.4.1. A report on the proposed development and appeal was received from the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs in response to the Section 131 notice issued by the Board. The main issues raised are as follows;

- As the mews is not included on the record of Protected Structures or within the Candidate Architectural Conservation Area, consideration of the proposal should centre on the effect on the character of No. 2 Vesey Place.
- The Department recommends one minor design revision to the first party's plans submitted with the appeal to step the side of the rear extension back to the corner of the plaster of pilaster of the northern elevation so as not to disturb this features. The submission of revised details for approval can be conditioned.
- The submission of a method statement in relation to repairs to the northern elevation is also recommended.

7.0 Assessment

7.1. It is proposed to demolish the existing front entrance porch and side bay window both of which are not original features and therefore I consider those proposals acceptable. Internal alternations are proposed which would involve a reconfiguration of the ground floor and first floor layout. At ground floor it is proposed to provide a toilet and utility room, relocate the stairs and entrance hall. At first floor it is proposed to reconfigure the layout to provide a master bedroom with dressing room and en-suite. I consider these proposed changes to the internal layout acceptable.

7.2. Alterations are proposed to exterior of the building involving the provision of two new rooflights to the east and west of the roof ridge to light the stairwell. Two square shaped dormers with flat roofs and window surrounds are proposed to replace the existing dormers with pitched roof finish. While, I note these dormers would be larger than the two existing dormers they do not breach the roof ridge and the simple shape and design proposed would not my opinion render them out of character. In relation to the matter of overlooking, having regard to the presence of the existing

two dormers, I do not consider the proposed new dormers would result in any undue new overlooking.

- 7.3. New front gates with pedestrian access and side piers are proposed to replace the existing vehicle gate off Vesey Mews. As indicated on DWN No: GA08 the proposed vehicular entrance would have a double sliding door design. A pedestrian gate is proposed to the northern side of the vehicular entrance. The proposed design is functional and modern in style. Accordingly, I consider the proposed vehicular and pedestrian entrances would be acceptable.
- 7.4. A single storey extension is proposed to the western side of the dwelling. The extension contains a kitchen and living/dining room area. The proposed extension would extend 6-7m across to the western site boundary and it would have a depth of approximately 10m. The proposed design is contemporary with predominately glazing to the northern and southern elevations which address the garden areas. The extension would project forward of the existing building line by 3m, however, I note that the extension would be to the western side of the site and therefore would not obscure the ornate gable wall. Accordingly, I consider this section of single storey extension acceptable.
- 7.5. Observers to the appeal have raised the issue of parking. Table 8.2.3 of the Dun Laoghaire-Rathdown Development Plan 2016-2022 refers to Residential land use car parking standards. It is required under the Development plan that for a two bedroomed dwelling that a minimum of 1 no. car parking space be provided and for a three bedroom or larger dwelling a minimum of 2 no. car parking space be provided. The proposed site layout indicates that 2 no. on-site car parking spaces. The vehicular entrance has a width of 3.5m which will allow space for a vehicle to manoeuvre in and out of the site safely. I note that there is sufficient area for either vehicle to manoeuvre back to allow the other vehicle to exit forward through the access. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.
- 7.6. A grass/sedum roof is proposed to the ground floor extension. It is noted that a sedum roof is relatively low maintenance as it does not require watering or mowing. Annual maintenance will suffice to ensure the planting is fed, weeds are removed and the surrounding gutters and drainage outlets are kept clear. Observers to the

appeal have raised concern at the potential use of the roof for recreational purposes, however in the absence of a doorway or steps to the roof, I am satisfied that it is not intended to be used as a recreational space or seating area.

- 7.7. The Planning Authority refuse permission for the proposed extension to the side' fronting the rear elevation of No. 2 Vesey Place on the basis that it would interrupt the relationship between the mews dwelling and the parent building No. 2 Vesey Place and render the building inconsistent with the external form and character of the grouping of mews dwellings.
- 7.8. In relation to the relationship between the subject mews dwelling and the main dwelling No. 2 Vesey Place which is a Protected Structure it is noted in the appeal that the Conservation Officer stated that the subject mews dwelling is arguably located within the attendant lands of the Protected Structure No. 2 Vesey Place.
- 7.9. The first party consider that the Planning Authority has not formally acknowledged the merit of the design of the mews dwellings and their relationship to the dwellings on Vesey Place either as designating as a Protected Structure or by attaching them to listing of the dwellings on Vesey Place. Therefore, it is argued in the appeal that the mews cannot be viewed as being Protected Structures nor within the current curtilage of a Protected Structure. It is further noted that the subject property has been separate from No. 2 Vesey Place for the past 40 years.
- 7.10. While the subject mews dwellings no. 2 Vesey Mews is not located within the defined curtilage of the No. 2 Vesey Place Protected Structure as indicated on Map 3 of the Dun Laoghaire Rathdown Development Plan 2016-2022, this is the case with all the mews dwellings along Vesey Mews and their parent dwellings along Vesey Place. The two properties are separated by a boundary wall and are in separate ownership, this however in my opinion does not irrevocably dissociate their historical context or the formal relationship between the buildings.
- 7.11. The ornate gable wall of the mews which has a plastered finish and has a pedimented façade with a recessed arch, a narrow linear band and a rectangular recessed feature was designed to provide visual interest when viewed from the main house. It is a design which has been incorporated into the neighbouring mews dwellings and therefore provides a coherent design motif along Vesey Mews which

also contributes to the character, form and setting of the Victorian terrace dwellings along Vesey Place which are all designated Protected Structures.

- 7.12. While the appeal site and subject ornate wall are not located within the defined curtilage of the Protected Structure, I would note the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities. Section 13.8 refers to development affecting the Setting of a Protected Structure or an Architectural Conservation Area. It advises that a new development could also have an impact when it is detached from the Protected Structure and outside the curtilage and attendant grounds but visible in an important view of or from the Protected Structure. It is further advised that the extent potential impacts of proposals will depend on the location of the new works the character and quality of the Protected Structure and its setting.
- 7.13. As set out above the ornate gable wall exemplifies the formal relationship between the subject Mews dwelling and the main house No. 2 Vesey Place a Protected Structure. I consider that the development of the proposed single storey extension to the north of the wall and between the gable wall and the rear of No. 2 Vesey Place would negatively impact upon the built form and character which existing between the Mews dwelling and the main house.
- 7.14. The proposed extension would break the established building line and would interfere with the views of original ornate gable wall from the Protected Structure. I therefore would conclude that the proposals would seriously injure the visual amenities of the area and would adversely impact on the character and setting of the No. 2 Vesey Place a Protected Structure.
- 7.15. The first party appeal included an amended design proposal for the northern rear extension. The amended proposal indicates the extension located into the north-western corner of the site. While I note that the extension would be located to the west of the ornate gable wall it would also cover the full depth of the rear garden and therefore result in a significant breach of the established building line which would be out of character with the form and layout of the surrounding mews dwellings.
- 7.16. The matter of the amended design proposal is raised in an Observation to appeal. It is stated that the amended proposal for the extension containing the two bedrooms and bathroom is for an alternative location on site and therefore is materially different

from the original submitted scheme. This point is noted. Under the provisions of Article 73 of the Planning and Development Regulations 2001, and as amended I note that the Board may, when considering an appeal under section 37 of the Act, invite the applicant for the permission concerned to submit to the Board revised plans or other drawings modifying, or other particulars providing for the modification of, the development to which the appeal relates and an applicant so invited may submit to the Board such number of plans, drawings or particulars as the Board may specify.

- 7.17. Notwithstanding the option of an amended design and location of the proposed extension, I remain of the opinion that the proposed extension would break the established building line and negatively impact upon the existing built form and character which existing between the Mews dwelling and the main house.
- 7.18. In relation to the original proposal involving the removal of the plaster finish to the external stone walls of the house, I note that the appellant has confirmed that this is no longer proposed. In order to ensure the plastered external walls are retained, I would recommend the attachment of condition requiring their retention and that they are made good under the supervision of a suitably qualified Conservation Architect.

Appropriate Assessment

- 7.19. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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. Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that a split decision be issued.
- 8.2. I recommend that permission be granted for internal alterations, demolition of existing front entrance porch and side bay window, provision of western element of

single storey extension (containing the kitchen, living/dining area), alterations to the two existing dormer windows to include new flat roofs and window surrounds, two new rooflights and new front gates with pedestrian access and side piers for the following reasons and considerations set out below.

- 8.3. I recommend that permission should be refused for the proposed extension to the 'side' fronting the rear elevation of No. 2 Vesey Place.

9.0 Reasons and Considerations (1)

Having regard to the pattern of development in the area, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of No. 2 Vesey Place which is a Protected Structure, would not seriously injure the visual and residential amenities of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 revised as follows:-

- a) The proposed extension to the 'side' fronting the rear elevation of No. 2 Vesey Place shall be omitted.
- b) The external plaster finish to the walls of the existing house shall be retained and made good under the supervision of a suitably qualified Conservation Architect.

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

Reason: In the interest of clarity and visual amenity.

3. 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 and to ensure a proper standard of development.

4. 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.

11.0 Reasons and Considerations (2)

Having regard to the design and architectural expression of the formal relationship between the subject Mews dwelling and the main house No. 2 Vesey Place a Protected Structure, which is provided by the decorative pedimented and plastered façade to the Mews dwelling which address the rear of No. 2 Vesey Place, which is considered to be an exemplar of the Victorian architectural style and which contributes to the character and setting of the Protected Structure, it is considered that the proposed extension to the 'side' fronting the rear elevation of No. 2 Vesey Place would break the established building line, negatively impact upon the existing built form and character which existing between the Mews dwelling and the main house and interfere with the views of original ornate gable wall. Accordingly, it is considered that the proposed development would therefore seriously injure the visual amenities of the area and would adversely impact on the character and setting of the protected structure and would, therefore, be contrary to the proper planning and sustainable development of this area.

Siobhan Carroll
Planning Inspector

17th of July 2017