



An
Bord
Pleanála

Inspector's Report
PL.06D.248459

Development	Permission for the construction of two bedrooms at upper ground floor level, above the existing kitchen/utility/playroom extension (Protected Structure).
Location	Eirene, Marino Avenue East, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0141.
Applicant	Nicholas & Kathryn Hill.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. decision.
Appellants	Nicholas & Kathryn Hill.
Observers	None.
Date of Site Inspection	1 st August 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site is located along the eastern side of Marino Avenue East, a cul-de-sac off Military Road in Killiney, Co. Dublin. The site contains Eirene, a house that is a Protected Structure. It is also within the Killiney Architectural Conservation Area.
- 1.2 The site is bounded by high walls with mature landscaping. The adjacent house to the south, St. Leonards, is also a Protected Structure. A pedestrian lane linking Marino Avenue East to Station Road runs along the northern boundary. To the west is Marino Avenue East and to the east is Station Road, train tracks and Killiney Bay. Killiney station is located to the northeast of the site along Station Road.
- 1.3 Eirene is a two storey dwelling built in the late nineteenth century in an Arts and Crafts style which is in keeping with other houses along Marino Avenue East. Eirene has been altered and extended over the years with the addition of a basement and a contemporary single storey extension to the southern elevation.
- 1.4 The application site has a stated area of c.0.53 hectares and slopes downwards from west to east towards Station Road and Killiney Bay. The house is positioned at the upper, western side of the site above the gardens which have been landscaped and in which there is a tennis court, play areas and swimming pool. There are a number of modern interventions in the form of smaller structures within the curtilage of the house such as a single storey pool house along the northern edge of the site and a detached garage on the western, elevated portion of the site along the roadside boundary with Marino Avenue East.
- 1.5 Maps, photographs and aerial images included in the file pouch.

2.0 Proposed Development:

The proposed development comprises the following:

- A c.68sq.m modern extension consisting of bedrooms and bathroom over the existing single storey contemporary extension
- Extensive glazing and a balcony to the northern elevation.
- A copper butterfly style roof and materials to match the existing extension.
- Access is via the existing single storey extension with no direct links to Eirene.

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for the following two reasons:

1. *It is considered that the proposed extension by reason of its scale, massing and location would visually and physically detract from the architectural integrity and character of Eirene and would have an overbearing impact, obstruct and obscure views to the Protected Structure and would not preserve the integrity of 'Eirene' and, would therefore, be contrary to Policy AR1:Record of Protected Structures and Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to Section 6.8.1, Section 6.8.2 and Section 6.8.3 of the Department of the Environment and Local Government 'Architectural Heritage Protection Guidelines for Planning Authorities' (2004, 2011), and would, thereby, be contrary to the proper planning and sustainable development of the area. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value property in*

vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.

2. *It is considered that the proposed extension by reason of its scale, massing and additional height would be visually obtrusive at this location, would be out of character with the existing dwelling and would, therefore, contravene Section 8.2.11.2 (i), and Section 8.2.11.2 (iii) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, which relates to works to a Protected Structure; and Section 8.2.11.3 (i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 which relates to new development within an Architectural Conservation Area and as such would set an unfavourable precedent for similar developments. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.*

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planner's Report forms the basis for the Planning Authority's decision.

The main issues are summarised as follows:

- The site could accommodate the principle of an extension at the upper floor level without impacting on the residential amenities of the directly adjoining dwellings, to the south in particular.
- Proposal would not give rise to undue overlooking to the south/southeast.
- Considering the high stone wall along the southern boundary, the proposal would not be visually overbearing or obtrusive when viewed from the adjacent house to the south.

- The principle of the design is considered generally an acceptable addition to the Protected Structure and the ACA.
- Notwithstanding the above the report recommended refusal of permission for the reasons issued by the Planning Authority on the basis of the report of the Conservation Division.

3.2.2 Other Technical Reports

Conservation Division. This Division was strongly opposed to the proposed development and the Conservation Officer's recommendations are reflected in the two reasons for refusal issued by the Planning Authority.

The main issues are summarised as follows:

- The proposal has not overcome the previous reason for refusal issued under D15A/0341 as upheld by the Board under PL.06D.245289 on the grounds that the nature, scale, bulk, height and visual prominence of the proposal and the cumulative impact, when considered with permitted development, would detract from the architectural integrity and character of the Protected Structure.
- The existing single storey contemporary extension, permitted under D12A/0408, required excavations to the site to minimise the visual impact and allow Eirene to remain the prominent building on site.
- The development permitted under D12A/0408 was considered to be the maximum capacity without causing any negative impact on the architectural integrity of the Protected Structure.
- The proposed extension is considered to have an over-powering and over-bearing presence on the site and is not considered subsidiary to the Eirene.

- The scale, height, massing and visual prominence of the proposal within its contextual setting would unduly detract from the character of the Protected Structure. And, notwithstanding the proposed set back from the house, the extension would obscure the southern elevation of Eirene, an important aspect of the building. In particular, the upper floor windows and views to the roof and its projecting eaves, which are an integral feature of the Arts and Crafts building. This would affect the intrinsic features and undermine the architectural significance of Eirene.

Drainage Section. No Objection.

Transportation Planning. No Objection.

3.3 Third Party Observations

None.

4.0 Planning History

There is an extensive planning history associated with the application site.

PA. Reg. Ref. D15A/0341. PL.06D.245289. Permission refused in November 2015 for similar extension to the current proposal, comprising of the construction of a master bedroom suite at upper ground floor level above the existing kitchen/utility extension and linked by a glazed structure to the main house. The reasons and consideration were as set out below:

Having regard to the nature and scale of the proposed in addition to the recently permitted development the Board considered that the proposed development by reason of its

scale bulk and height and visual prominence within its contextual setting would unduly detract from the architectural integrity and character of the Protected Structure "Eirene".

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed development would, when assessed in the context of the cumulative impact of the proposed development with that previously permitted, would have a significant negative impact on the architectural integrity and character of the Protected Structure and would adversely affect and set a poor precedent within the Killiney Architectural Conservation Area.

File attached.

P.A. Reg. Ref. D12A/0408. (2012). This refers to the original permission for the existing extension over which the current extension before the Board is proposed.

PA Reg. Ref. D14A/0293. PL06D.243688. Permission for retention refused in December 2014 for a playroom, laundry room and utility room within the existing extension. File attached.

P.A. Reg. Ref. D14A/0294. This related to the 2014 permission for a detached garage located near the Marino Avenue East boundary.

P.A. Reg. Ref. D13A/0192. This refers to the 2013 permission granted for the outdoor swimming pool.

PA Reg. Ref. D14A/0562. This is the retention permission of metal fence.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is located within an area zoned under Land Use Objective 'A' To *protect or improve residential amenity*.

The site is located in **Killiney Architectural Conservation Area**.

Eirene is a Protected Structure (RPS Ref. No. 1709).

Most of the houses along Marino Avenue East are included in the Record of Protected Structure and subject to the appropriate policies as set out in Section 6.1.3 and Section 8.2.11.2 of the Plan.

Built Heritage

Section 6.1.3 refers to the county's architectural heritage.

Policy AR1 refers to the Record of Protected Structures and sets out the scope of their protected status.

Policy AR8 refers to development of nineteenth and twentieth century buildings, estates and features and the need to ensure their character is not compromised and to encourage the retention of features that contribute to their character such as roofscapes and boundary treatments.

Policy AR12 refers to the criteria for appropriate development within the ACA, and that proposals shall be considered in relation to a range of criteria, including seeking a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.

Section 8.2.11.2 (i) refers to development management standards for works to Protected Structures. In particular, the need to ensure that the highest conservation standards are adhered to and that alterations and extensions should not detract from their significance or value. Extensions should complement and be subsidiary to the main structure and positioned to the rear or a less prominent elevation.

Section 8.2.11.2 (iii) refers to development management standards for development within proximity to a Protected Structure and the requirement to protect its setting and amenity.

Section 8.2.11.3 (i) refers to development management standards for new development within Architectural Conservation Areas which should take account of their context without imitating earlier styles and where appropriate, contemporary design is encouraged that is complementary and sympathetic to the surrounding context and scale.

- 5.2 Killiney Architectural Conservation Area Character Appraisal (2010). Marino Park East.** *While this area displays many of the overall landscape characteristics of the main south eastern slope area it was felt that it had enough unique features to be categorised separately. Built circa 1880 the group relies heavily on the Arts and Crafts style that was much favoured at the end of the 19th century. This area has been recommended for inclusion within the ACA. The group consists of Winterslow House, Kildoon, Eirene, St Leonards, Killeen and Mirimar. Eirene is known to have been designed by Thomas Deane, the possibility follows that he was also the architect for the whole group.*

5.3 Architectural Heritage Protection Guidelines 2011 (DAHG)

Section 3.10 refers to guidance and general criteria for assessing proposals within Architectural Conservation Areas. This sets out that generally it is preferable to minimise the visual impact of the proposed structure on its setting. However, where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.

Section 6.8.1 refers to the requirement to assess how the cumulative effect of even minor additions can compromise the special interest of a protected structure and the character of an ACA.

Section 6.8.2 refers to the need to protect protected structures, in particular their elevations from new extensions by ensuring that, where permitted, they do not obscure, damage or destroy important features of the protected structure.

Section 6.8.3 sets out that extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the value of the present time.

Chapter 7 relates to Conservation Principles

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reasons for refusal of permission and can be summarised as follows:

- The proposal is for a modest extension to a recently developed contemporary side extension and is not connected to the original house.
- No loss of residential amenity and the proposal does not detract from the character of the ACA which is characterised by large houses on large secluded sites.
- There is no connection between the protected structure and the proposed extension which would be accessed by the existing modern extension to the side of Eirene.
- The proposal does not overlook the property to the south (St. Leonards) due to the site levels and the mature boundary treatment. It would not be overbearing or obtrusive when viewed from this property.

Reason No. 1:

- The proposal complies with the policies and standards as set out in the Development Plan.

Section 8.2.11.2 (i):

- The proposal, with an area of c. 68sq.m, is subsidiary to the main dwelling and is set back behind the side of the original house. It does not require any works to the original features and does not detract or damage the historical integrity of the structure.
- There are no submissions for third parties and letters of support are included with the appeal from:

Ryan & Alison McCarthy, St. Leonards, Marino Avenue East.
(Adjoining house to the south).

Rosemary Kevany, Roseneath, Marino Avenue East.

Section 8.2.11.2 (iii):

- The proposal would have no effect on adjacent properties. It is an unobtrusive modern structure which sits comfortably to the side of Eirene and is aided by the sloping terrain of the site.

Section 8.2.11.3 (i):

- The Development Plan encourages, where development is appropriate, contemporary design that is complementary, sympathetic to the surrounding context and style.
- The Planning Authority's comments are challenged in respect of the scale of the proposal and the Conservation Officer's comments that what was permitted under D12A/0408 is considered to be maximum capacity without causing any negative impact on the architectural integrity of the Protected Structure.

Reason No. 2:

- Eirene has been the subject of numerous extensions and alterations which have benefited the existing structure and not compromised its setting.
- No works are proposed to the existing fabric of the Protected Structure. The upper floor extension is an extension to the existing modern extension to the side of Eirene.
- Section 6.8.1, 6.8.2 and 6.8.3 of the Architectural Heritage Protection Guidelines are noted. The proposal as outlined previously would not impact on the original fabric and relates to the extension of a non-original recently constructed extension.
- The proposal would be set back c. 3.34m from the southern elevation of the Protected Structure and does not obscure the views

of this elevation in its entirety as referenced in the Conservation Officer's report.

- The design is clearly modern to make the extension appear legible in the context of the Protected Structure. The design has been carefully considered so as not to appear unsympathetic or inappropriate.
- The roof profile has been further altered and revised to address the concerns of the Planning Authority.
- Reference and details of precedent submitted with the appeal.

Amended drawing are submitted with the appeal to address the reasons for refusal. This includes replacing the copper butterfly style roof with a more sympathetic flat roof with zinc cladding.

- The proposal before the Board differs from that refused under PL.06D.245289 (D15A/0341) as follows:
 - Reduction in the floor area from c.78 to c. 68sq.m.
 - Omission of the glazed connection to Eirene via existing window.
 - Omission of the timber cladding on the west facing elevation and its replacement with glazing.
 - Removal of timber cladding detail on south facing elevation and its replacement with opaque glazing.
 - Alterations from butterfly-style copper roof to a flat roof design with zinc finish.
 - Reduction in ridge height by c. 0.29m.
 - Fenestration details revised with less aluminium framing.

Documents included with the appeal:

- Planners Report.

- Letters of support.
- Revised architectural drawings.
- Photomontage images of revised proposal

6.2 Planning Authority Response

The Planning Authority note that revised details have been submitted with the appeal. However, the Conservation Division still has reservations with respect to the proposed works and the impact on the setting of the Protected Structure.

Observations

None.

6.3 Prescribed Bodies

The appeal was referred to the DAHRRG. No response received.

7.0 Assessment

Permission was refused in 2015 under P.A Reg. Ref. D15A/0341 PL.06D.245289 for a similar development to that currently before the Board. The reason for refusal was on the basis that the scale, bulk, height and visual prominence of the proposal within its contextual setting and the cumulative impact of other developments on site would unduly detract from the architectural integrity and character of Eirene and would adversely affect and set a poor precedent within the ACA.

The current application is an attempt to overcome the reason for refusal. In response to the Planning Authority's decision to refuse permission the applicants have included revisions to the original design in the documentation that accompanied the appeal. I note that the scope of these

changes would not require re-advertisement. This report, therefore, includes consideration of these proposed revisions.

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Architectural Heritage.
- Appropriate Assessment.

7.1 Design & Architectural Heritage

7.1.1. The Planning Authority refused permission for two reasons relating to architectural heritage and the impact the proposal would have on the integrity of Eirene, Protected Structure, and the Killiney Architectural Conservation Area. Therefore, there are overlapping issues and this assessment shall deal with the two reasons under the one heading.

7.1.2 Sections 6.8.1 - 6.8.4 of the 'Architectural Heritage Guidelines for Planning Authorities' and Section 8.2.11.2 of the Development Plan set out a number of key principles when considering extensions to Protected Structures, including:

- Extensions should involve the smallest possible loss of historic fabric and should ensure that important features are not obscured, damaged or destroyed.
- The principle elevations of a protected structure should not be adversely affected by new extensions. Extensions should be appropriately scaled and positioned to the rear or lesser elevation and should be subsidiary to the main structure.

- Extensions should be 'of their time' and careful consideration of the palette of materials should be given.

7.1.3 As the site is located within Killiney ACA Section 8.2.11.3 (i) of the Development Plan for ACAs is also of relevance. Eirene has been altered and extended over the years. The proposal is for an upper floor extension to an existing modern extension to the side of the house. There are also a number of contemporary style structures within the curtilage of the house.

7.1.4 The main difference between the current application and that refused by An Bord Pleanála under PA reg. Ref. D15A/0341 PL.06D.245289 is a revised design which includes the omission of a link to the main house (Eirene), a reduction from c. 78sq.m to c.68sq.m in area, revised elevational treatment and roof profile. The applicants have opted for a design that clearly differentiates the new works from the Protected Structure while complementing the recently constructed modern side extension. In this instance I agree with this approach. There is a clear distinction between the old and the new. In an attempt to address the Planning Authority's reason for refusal, the applicants submitted revisions to the original design as part of the appeal. These included the replacement of the copper butterfly style roof with a flat zinc roof. In my view the original proposal submitted to the Planning Authority is more in keeping with the existing extension in terms of design, materials and external finishes.

7.1.5 The Council's Conservation Officer report highlights that there are serious concerns that the scale, height and massing of the extension would obscure the southern elevation of Eirene and undermine its architectural significance. It is my considered opinion that the proposal is a well thought out design solution in a style that is contemporary with high quality material to match the existing contemporary single storey extension to the house. The proposal is

set back c. 3.34 metres from the southern elevation of the Eirene with no direct link to and no works required to the Protected Structure. I am satisfied that there is no loss of historic fabric and that the important features of the southern elevation are not obscured, damaged or destroyed. Therefore, the proposal complies with Sections 8.2.11.2 of the Development Plan and the guidance set out in the Architectural Heritage Protection Guidelines.

7.1.6 The presence of high walls, mature landscaping and the levels of the site, which slopes downwards towards Station Road, results in limited views into the site. The proposed extension would not be visible from Marino Avenue East or the Station Road and the net impact of the extension within the site is minimal due to its design and scale. The Conservation Officer's report referenced the direction by the Board under P.A Reg. Ref. D15A/0341, PL.06D.245289 which stated that the *proposed development would, when assessed in the context of the cumulative impact of the proposed development with that previously permitted, would have a significant negative impact on the architectural integrity and character of the Protected Structure*. It is my considered opinion that the site has the capacity to absorb the extension at this location. I am satisfied that the cumulative impact of the existing and proposed extension would not compromise features of special interest of Eirene or the character of Killiney ACA. I consider, therefore, that it complies Section 8.2.11.3(i) of the Development Plan and the Architectural Heritage Protection Guidelines.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

Having regard to the sloping nature of the site, to existing and permitted development and to the contemporary design, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed extension would integrate successfully with the existing protected structure (Eirene) on the site, would not detract from the character of Killiney Architectural Conservation Area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be 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. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension and in the interest of residential amenity

4. 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.

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

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

6. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Dáire McDevitt
Planning Inspector

16th August 2017