



An
Bord
Pleanála

Inspector's Report PL 27.249010

Development	Demolition of building and construction of two buildings, one containing 4 houses and car parking and one containing 2 no. ground floor commercial units and 2 no. apartments at first floor level
Location	Main Street, Blessington, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/581
Applicant(s)	H.J. Ward
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	H.J. Ward
Observer(s)	None
Date of Site Inspection	22 nd November, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The appeal site of 0.858 hectares is located at the northern end of Main Street in Blessington, County Wicklow and on its east side. There is an existing vacant building along the site's frontage which in a poor state of repair. There is a vehicular entrance to the north of the building and it is gated. A two-storey building lies to the south of the site and it has a café at ground floor and residential use overhead. A Supervalu shop is located further south. St. Mary's Church is located less than 30 metres to the north of the existing building on the site. The rear section of the site is bounded on its three side by school structures associated with St. Mary's Junior School.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of the existing building to the front of the site and the construction of 2 no. two-storey buildings. One building would replace the existing structure and would contain two commercial units at ground floor level and two one-bedroom apartments overhead. Balconies would be provided to the rear to serve the apartments. A second building would be developed to the rear of the site and would consist of a terrace of two-storey, two-bedroom houses, each with a terrace at roof level. The development would provide for rear garden space for the houses, ranging in area from 40.13 square metres to 46.64 square metres, and surface car parking for 10 cars between the two blocks. The total floor area of the development would be 511 square metres, with the commercial units totalling 97 square metres.

3.0 Planning Authority Decision

3.1. Decision

On 10th July, 2017, Wicklow County Council decided to grant permission, subject to 11 conditions, for the demolition of the existing building and the construction of the building to the front of the site comprising 2 no. ground floor commercial units and 2 no. one bedroom apartments over. Condition 6 attached with the decision to grant was as follows:

“6. (a) *The shopfront design shall be revised to provide for a more traditional design which is in keeping with shopfronts in the vicinity. The revised design shall also provide for greater symmetry between each shopfront and with the first floor fenestration.*

(b) The first floor windows to the front elevation shall be revised so that they are vertical timber sliding sash windows in line with other window types in the vicinity.

(c) All external joinery on the front elevation of the building shall be timber only including soffits, eaves, fascia, pilasters, window frames and sashes, door and frames. On no account shall PVC be used.

Prior to the commencement of development revised drawings showing compliance with the above shall be submitted for the written agreement of the Planning Authority.

REASON: *In the interest of visual amenity and to protect the character of the Architectural Conservation Area.”*

The planning authority decided to refuse permission for the construction of the 4 no. dwellings and 10 parking spaces. Two reasons for refusal were given which related to overdevelopment / incompatibility with adjoining uses / poor standard of amenity for future occupiers and traffic hazard that would result.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history relating to the site, reports received and planning provisions set out in the Wicklow County Development Plan and Blessington Local Area Plan. The development was considered acceptable in principle having regard to the current condition of the existing structure on the site and the site’s planning history. The proposed development to the front was considered acceptable, subject to shopfront changes. The block to the rear was considered acceptable in terms of visual impact. The proposed house block to the rear was considered to be overdevelopment having regard to the confines of the plot,

the proximity to site boundaries and proximity to adjacent school buildings. Reference was made to lack of public open space, inadequate private open space, no rear garden access and no details of refuse storage facilities. The recommendation of the Area Engineer in relation to traffic impact was also noted. A grant of permission for the block to the front and a refusal of permission for the block to the area was recommended.

3.2.2. Other Technical Reports

The Roads Design Engineer had no objection to the proposal.

The Water & Environment Services Engineer requested further information in relation to surface water.

The Municipal District Engineer recommended a refusal of permission for reasons relating to increased conflict with pedestrians and vehicular traffic.

3.3. Prescribed Bodies

Transport Infrastructure Ireland stated it had no observations to make.

Irish Water had no objection to the proposal.

3.4. Third Party Observations

Dublin City Council had no objection to the proposal from the point of view of minimising pollution threats to the Poulaphouca Reservoir.

4.0 Planning History

I note the planning history relating to the site set out in the Planner's report. This includes:

P.A. Ref. 12/6211

Permission refused for the demolition of the existing building and construction of a car park.

P.A. Ref. 11/4584

Permission granted for an extension of appropriate period for retail on ground floor and restaurant on first floor.

P.A. Ref. 06/4661

Permission was granted for a crèche and medical centre.

P.A. Ref. 01/4081

Permission was granted by the planning authority for the demolition of a retail/residential unit and replacement with 2 no. retail and 2 no. residential units and 6 no. apartments. Condition 7 of that decision, relating to takeaway use, was appealed to the Board under ABP Ref. PL27.131457.

5.0 Policy Context

5.1. Blessington Local Area Plan 2013-2019

Zoning

The site is zoned 'TC' with the objective "To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation."

5.2 Wicklow County Development Plan 2016-2022

Heritage

The site is located within the designated Blessington Architectural Conservation Area.

Objectives for ACAs include:

Objective BH18

Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be

considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.

Objective BH19

The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole.

Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:

- Proposals will only be considered where they positively enhance the character of the ACA.
- The siting of new buildings should, where appropriate retain the existing street building line.
- The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.
- Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area should be retained where possible.
- A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.
- The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.
- Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from the attributes of the ACA.

6.0 The Appeal

6.1. Grounds of Appeal

The first party is appeal the attachment of Condition 6 with the grant of permission and the refusal of permission for the development to the rear.

The grounds of appeal relating to Condition 6 are as follows:

- Modern buildings or replacement buildings take up the form of the street in terms of form and scale but do not have sliding sash windows.
- The condition to use timber only is problematic in terms of maintenance and particularly with access to maintain these elements on the main street. There are modern materials that can be more sensitive to the context than PVC which can avoid unnecessary maintenance.
- The proposed street front building is modern, maintains the form of the street and context and should be acknowledged as a modern intervention and not be pastiche.

The Board is asked to remove or amend the condition.

The grounds of appeal relating to the refused component of the development may be synthesised as follows:

Planning History

- A development of this nature was considered acceptable previously (P.A. Ref. 01/4081 applies).

Reason No. 1

- It is not possible that the development could have any impact on existing residential properties.
- Proposed plot ratio is low. The proposal is modest and appropriate for the town centre.
- There will be no conflict between the proposed residential use and adjacent uses and side boundary walls will be finished in a manner that will require no

maintenance or overhangs, thus requiring no access. There would be no overlooking of the adjoining school building.

- Each house will have more than the required 50sqm of private open space. The mix of open spaces is more than sufficient to meet needs.
- Considering the size of the site and its location in the town centre, the proposed four houses must be considered in the context of the overall proposal, including the street front element and supporting retail policies. Public open space would be tokenism and would serve no proper function. There are sufficient amenities available in the immediate vicinity.
- One of the car parking spaces could be set aside exclusively as a communal bin storage area and this could be conditioned.
- The proposal, being two storeys in height, would be consistent with the character of other proximate developments.

Reason No. 2

- The second reason is neither appropriate or relevant to the nature of the development at this town centre location.
- The report on traffic was prepared by an administrator who does not appear to be a technical member of Council staff.
- The site is in the heart of the town where the 50kph speed limit applies.
- The entrance already exists and is fronted by a hatched area where parking is prohibited.
- Both the Road Design Office and TII had no comment to make.
- Why the current parking layout may potentially impede vision lines, this is how parking operates in the town.
- An unmarked pedestrian crossing is located immediately north of the vehicular access and is marked by steel safety barriers.
- A tree referred to by the planning officer is not an obstacle to sightlines.
- Other traffic management provisions in the vicinity also contribute to a level of safety that means the proposal would not be a traffic hazard.

- The proposed development would represent a sustainable and low traffic generating development.

6.2. **Planning Authority Response**

I have no record of any response to the first party appeal by the planning authority.

6.3. **Further Responses**

Further to the Board's request for submissions from Fáilte Ireland, An Chomhairle Ealaíon, The Heritage Council, and the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs, in accordance with section 131 of the Planning and Development Act, no submissions were received.

7.0 **Assessment**

7.1. I consider the principal planning issues relevant to the appeal are overdevelopment and character of the development, traffic impact, and the development within an Architectural Conservation Area and attachment of Condition 6.

7.2. Overdevelopment and Character of the Proposed Development

The proposed development is located in the town centre of Blessington. The residential component partly comprises a 'Living over the Shop' element, which is promoted and wholly compliant with development plan provisions which seeks to promote such use. The second component of residential accommodation comprises four terraced houses behind the street frontage block. The Development Plan supports residential use within this town centre location and, thus, there can be no particular concern about the intention to provide such housing in principle and enhancing the population of the town centre, which is a sustainable approach to protecting the viability of the town.

I note the relatively confined nature of the site, now influenced greatly by the educational development that has proceeded around the periphery of the site. This in itself should not neutralise the potential for development in a valuable town centre site. Further to its town centre location, it is entirely reasonable to conclude that a small terrace of four houses should not be rejected for the failure to provide public

open space in this town centre location. In addition, seeking to achieve suburban back garden standards in this town centre location is a wholly unsustainable approach to enticing residential development into the town centre. To suggest that the proposed development constitutes overdevelopment is misplaced, in my opinion. One is clearly not addressing a suburban location and due regard must be had to applying appropriate standards in town centre locations.

In terms of the character of the development, it is low scale is a design element which minimises any intrusion on adjoining land uses, being careful to avoid overlooking of the adjoining school. I acknowledge the extent of car parking being provided between proposed building blocks. Such a format for development in town centre locations is not uncharacteristic and it is the quality of materials and finishes which can ultimately create an acceptability of these spaces where the needs of occupants, in terms of private amenity space, is clearly still being met within the overall scheme. This can reasonably be achieved by way of requirements for landscaping and finishes to be agreed with the planning authority through planning conditions.

I note that the planning authority referenced Objective HD10 of the County Development Plan in its first reason for refusal of the block to the rear. This objective relates to the density of new infill development in existing residential areas. This objective does not apply to development of the nature now before the Board.

7.3. Traffic Impact

7.3.1 I note the existence of a vehicular entrance into the proposed site. I note the planning history of the site, which included replacement development and residential accommodation with vehicular access. The site is located in the town centre and the proposal seeks to accommodate the traffic needs of the occupiers of the new development. The entrance serving the development would be located where the 50kph speed limit zone applies for the town. The nature of the proposed new development is wholly in keeping with the zoning provisions for this town centre location.

7.3.2 While acknowledging that there is a range of retail, social and community uses in the immediate vicinity of the site (expected in a town centre location), as well as on-street car parking along the street frontage, there are no particular sightline

restrictions at this location that could reasonably warrant a refusal of planning permission on traffic safety grounds. The generation of traffic from ten cars in this town centre location, beside a school where drop-off and pick-up is a regular occurrence, close to a functioning church, and a short distance from a busy supermarket, could not be construed as a significant traffic hazard for pedestrians or other road users.

7.4. The Development within an Architectural Conservation Area and Attachment of Condition 6

7.4.1 The proposed development is located within an Architectural Conservation Area designated in the current Wicklow County Development Plan. I note the relevant objectives for ACAs as set out in the current Plan. I acknowledge the poor structural condition of the existing building on this site, the demolition that has been undertaken to the rear and the planning history of the site which previously permitted the demolition of the existing structure to allow for new development (P.A. Ref. 01/4081 applies). I do not consider that the development on the site forms an essential part of the character of the Blessington ACA and am of the view that at present it contributes in a negative way to the visual qualities of this town centre location. The precedent of demolition has been established and comprehensive redevelopment of the existing structure, which is without notable features of architectural merit, is not warranted. I, therefore, consider that it is reasonable to conclude that Objective BH18 of the Plan, which seeks to repair and refurbish existing buildings within the ACA, would not be applicable in this instance.

7.4.2 With regard to Objective BH19 of the Plan, this reasonably seeks the design of new development to have an outcome which enhances the ACA. With regard to shopfronts specifically, a high standard of shopfront design is required and such design is required to relate sympathetically to the character of the building and the surrounding area. It is my submission to the Board that the proposed shopfronts are extremely minimalistic in their design presentation. They relate poorly to fenestration overhead and to established shopfronts in this town centre location. The requirements, by way of Condition 6 of the planning authority's decision, would significantly enhance the design of the shopfront and the development would evolve

to significantly improve the overall presentation of the front elevation of the street front building, as well as allowing it to tie in better with the established form and character of shopfronts prevalent in the vicinity. The use of suitable materials, introduction of vertical sliding sash windows at first floor level, use of pilasters to frame the shopfronts, etc. will each add up to an enhancement of the presentation of this building in a most important street in the town's ACA.

7.4.3 Overall, I am satisfied to conclude that the planning authority's condition is entirely consistent with its Plan provisions for ACAs and is merited to ensure a reasonable quality of development is achieved at this sensitive location.

7.5. Conclusion

7.5.1 I note the constrained nature of the appeal site. The site's developability has been significantly impacted by the wrapping of school structures around the perimeter of the site to the rear. However, this is an important town centre site that merits increased development over that which exists to ensure a reasonably sustainable development can be achieved. The principle of residential accommodation is accepted. The proposed development seeks to provide development standards that more than meet the needs of the occupants of houses in this town centre location. The design has been undertaken to minimise adverse impacts on adjoining sensitive land uses. Building height has been very restricted to minimise impacts on the streetscape and views from the public realm, as well as on adjoining structures. I consider the proposed development, on balance, to be acceptable. In terms of its relationship with the established ACA, I consider that shopfront, fenestration and hard landscaping improvements can allow for this development to proceed in a manner that would improve the visual quality of this area within the ACA.

8.0 **Recommendation**

8.1. Having regard to the above, it is considered that the Board should seek to deal with the proposed development in its entirety *de novo* and I recommend that permission

should be granted subject to the reasons and considerations and the conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning provision for the site, the town centre location, to the existence of a vehicular entrance into the site, to the nature and extent of uses in the immediate vicinity, and to the design and scale of the proposed development, it is considered that the proposed development would not adversely impact on the visual amenities and character of the Blessington Architectural Conservation Area, would not adversely affect the amenities of adjoining properties, would provide a satisfactory standard of accommodation for occupiers of the proposed development, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of Blessington Local Area Plan 2013-2019 and Wicklow County Development Plan 2016-2022. 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. Prior to the commencement of development the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed structures;

- (b) Revisions to the front elevation of the street front block, including improved symmetry between shopfronts and fenestration at first floor level and shopfront designs in keeping with shopfronts in the vicinity to include plinths, framing of the shop windows, concealed lighting of signage and use of compatible materials;
- (c) A landscaping scheme for the courtyard area between building blocks, with details of hard landscaping, car park surfacing materials and lighting;
- (d) Details of refuse storage for the commercial units and apartments in the block to the front of the site.

Reason: In the interest of visual and residential amenity and orderly development.

- 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.

- 4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be erected or displayed on the building in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 5. 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.

Kevin Moore
Senior Planning Inspector

23rd November 2017