



An
Bord
Pleanála

Inspector's Report
PL.06D.249096

Development	Permission for refurbishment and extension of house and ancillary site works.
Location	Glenasmole, Brighton Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0498.
Applicant	Cormac and Orla Costelloe.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Cormac and Orla Costelloe
Observers	None.
Date of Site Inspection	8 th November 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site, with a stated area of c. 0.2 hectares, is located along the northern side of Brighton Road, c. 200 metres to the west of the junction with Claremount Road in Foxrock, Co. Dublin. Houses along Brighton Road are predominantly two storey of varying designs, styles and scale on large individual plots. Boundary treatment along Brighton Road varies from high to low stone walls with hedging. It is also within the Foxrock Architectural Conservation Area.
- 1.2 A two storey detached house, 'Glenasmole', occupies the site which fronts onto Brighton Road where the roadside boundary consists of a c.2.8 metre high stone wall with mature landscaping within the site boundaries. The adjacent house to the west, 'Es Vedra', is a detached two storey dwelling built in the original side garden of Glenasmole. To the east, mature trees and a timber fence form the boundary with Tullow Church and Rectory, both of which are Protected Structures. Mature trees form the boundary with gardens to the rear. Opposite the site, along the southern side of Brighton Road, are detached houses of varying scale and design.
- 1.3 Glenasmole has been extended over the years, including an elongated flat roofed single storey rear extension, a conservatory to the western elevation, two storey extension and detached garage. The rear extension and detached garage form a courtyard. The house is set within mature landscaped gardens. There is a swimming pool to the rear.
- 1.2 Maps, photographs and aerial images included in the file pouch.

2.0 Proposed Development:

The existing house has a gfa of c.395 sq.m on a site with a stated area of c. 2,000sq.m. The proposal would result in a house with an overall gfa of c. 520sq.m.

Permission is being sought for:

- The demolition of later additions to the original house consisting of two storey and single storey extensions (c.110 sq.m).
- Refurbishment of existing house consisting of:
 - Removal of 2 no. roof dormers to north and west roof planes.
 - Removal of 3 no. rooflights to north, west and south planes.
 - Provision of new dormer to north plane of main roof.
- Permission for two storey and single storey extension (c. 235sq.m) with a mix of roof style (flat, hipped and gabled) to further reduce the bulk of the proposal.
- Demolition of existing detached plant room/shed and construction of new plant room.
- Re-configuration of vehicular entrance off Brighton Road.
- Finishes and materials to match and harmonise with the original dwelling.

The proposed extension to the eastern elevation would include a two storey flat roof element, set back c. 5 metres from the front building line of the original house, which would serve as a link between the proposed extension and existing structure. A double height conservatory is proposed to the western elevation.

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for the following reason:

- 1. The proposed development, in particular, the overall size, scale, overall extension width and design of the roof profile with a design and form that strongly reflects the existing architecture of the parent dwelling in appearance, is considered visually obtrusive.*

It is considered that the development would be out of keeping with the special character of Foxrock ACA and would adversely affect the Foxrock Architectural Conservation Area; as such, the development would be contrary to Policy AR12 that seeks to protect the special character of places or areas which have been designated Architectural Conservation Areas of the Dun Laoghaire Rathdown Development Plan (2016-2022) as well as Sections 8.2.3.4 (i), 8.2.11.3 (iii) and Section 8 of the Foxrock Architectural Conservation Area Appraisal Report. In additions, the development would be contrary to Section 6.8.3, 6.8.5 and 6.8.7 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

The proposed development, therefore, would be contrary to the proper planning and sustainable development in 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:

- In principle the site could accommodate an extension to Glenasmole without impacting on the residential amenities of the directly adjoining dwellings.
- The proposal would not give rise to overlooking or overshadowing of adjoining properties.
- The proposed development was not considered subordinate to the main house. The extension would be excessive in terms of overall scale and bulk as it would increase the overall width of the house to c.28 metres.
- The proposal would be considered inappropriate in the Conservation Area resulting in visual harm. There could be an opportunity to extend the property to the rear, thereby having a lesser impact on the ACA.

3.2.2 Other Technical Reports

Conservation Division. This Division was opposed to the proposed development and its recommendations are reflected in the reason for refusal issued by the Planning Authority.

The main issues can be summarised as follows:

- No objection in principle of the development but object to the stylistic approach taken.
- The development, by nature of its architectural style, external expression and form strongly reflects the existing architecture of the parent building and fails to read as a later addition. The new development should be an honest insertion, clearly legible as a 2017 addition and should not confuse or devalue the rich architectural heritage of the ACA.

- The resultant development morphs into an overpowering monolithic dwelling, unsuitable within the context of Foxrock Architectural Conservation Area.
- The proposed dwelling would not enhance or enrich the Foxrock Architectural Conservation Area and could potentially confuse the historical narrative of this distinctive residential area.
- In order to create a distinction between the original built character of the ACA, a more simplified design and/or contemporary approach is favoured in accordance with policies AR8, AR12, 8.2.11.3 (i), 8.2.11.3 (ii) of the County Development Plan and section 8 of the Foxrock ACA Appraisal Report.
- Photomontages and visual aids are required to fully evaluate the impact the proposal would have on the adjacent Protected Structures (Tullow Church and Rectory).

Parks and Landscape Services. Further Information recommended relating to a tree survey and an Arboricultural Impact Assessment.

Drainage Section. No Objection.

Transportation Planning. No Objection.

3.3 Third Party Observations

None.

4.0 Planning History

Applications for a house within the curtilage of Glenasmole:

Planning Authority Reference No. 13A/0278 refers to a 2013 refusal of permission for the construction for a dwelling to the rear of Glenasmole for three reasons relating to: 1) the proposed subdivision of the site

would detract from the pattern of development in the area, the setting of the existing house and its contribution to the ACA; 2) the proposed development would detract from the residential amenities of adjoining properties and 3) would detract from the residential amenities of Glenasmole.

Planning Authority Reference No. 06A/0906 refers to a 2006 grant of permission for a two storey house in the side garden of Glenasmole. Es Vedra to the west.

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 within **Foxrock Architectural Conservation Area.**
- Adjoining the site to the east are two Protected Structures, Tullow Church (Ref. No. 1693) and Rectory (Ref. No. 1691).

Built Heritage

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.

Relevant Architectural Heritage Development Management

Standards:

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.

General Development Management Standards:

Section 8.2.3.4 (i) refers to extensions to dwellings and that such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

5.2 Foxrock Architectural Conservation Area Character Appraisal (2007).

Brighton Road Architectural Character:

Brighton Road, from Claremont Road to the village, has larger and more irregular plot sizes than those on Torquay Road with a number of exceptionally large plots on the northeastern side of the road. The architectural styles vary with the older late 19th century structures located at the mid-section on both sides of the road and with later 20th century infill located at either end.

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.

Development Control guidance relating to Protected Structures and ACAs as referred to in the Planning Authority's reason for refusal:

Section 6.8.3 notes that in general attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. It 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.

Section 6.8.5 sets out that in urban areas careful consideration needs to be given to proposals for the construction of rear extensions to Protected Structures and buildings within ACAs.

Section 6.8.7 notes that there may be cases where the Planning Authority considers that additions cannot be permitted without

compromising the architectural significance of a Protected Structure or its setting or where they would be detrimental to the character of an ACA.

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 reason for refusal of permission and can be summarised as follows:

6.1.1 General:

- Brighton Road, as acknowledged by the Area planner, is defined by large detached houses on large plots of varying designs.
- There are no views into the site from Brighton Road due to the high screen walls and planting which also screens the site from Tullow Church to the east. All existing boundaries and landscaping are to be retained. Where trees are required to be removed they will be replaced. An overall landscape masterplan can be submitted if required.
- The design, scale and bulk of the extension is considered appropriate and would not be visually obtrusive.
- The extension is set back from the front building line of Glenasmole reflecting its subsidiarity. This set back along with the existing screening renders it largely invisible from Brighton Road.
- The proposal consists of two storey and single storey elements which reduces the bulk and visual impression. The variations in roof profiles

(flat, hipped and gabled) further break up the bulk of the structure so it does not read as one structure.

- The applicants did not pursue an extension to the rear of Glenasmole as permission was refused in 2013 under Planning Authority Reference No. D13A/0278 on the grounds of overlooking and loss of residential amenities of adjoining properties.
- There is precedent in the area for traditional style extensions to dwellings. Details of precedents of grants of permission for traditional designs (extension and new houses within ACAs) and refusal for contemporary designs have been submitted with the appeal.
- There are no third party objections.

6.1.2 Compliance with County Development Plan policies, Appraisals and national Guidelines as referenced in the reason for refusal:

County Development Plan:

Policy AR12:

The site is well screened and the design, setback and scale of the proposed development would have no adverse impact on the character and special interest of the area.

Section 8.2.11.3 (iii):

There is no section 8.2.11.3 (iii) in the Development Plan.

The proposal would have no adverse impact on the setting, context or character of the ACA.

Section 8.2.3.4 (i).

The proposal would have no detrimental impact on the residential amenities of surrounding properties. A set back of c. 5 metres is proposed and the extension complements the exist dwelling in terms of design and finishes.

Architectural Heritage Protection Guidelines:

The proposal complies with section 6.8.3 as the design ensures that the new extension does not form part of the historic fabric, whilst complementing the original structure.

Section 6.8.5 refers to recommendation to considering rear extensions. Permission was previously refused under D13A/0278 for development to the rear of Glenasmole. Therefore, the applicant submitted proposals for a side extension.

Foxrock ACA Character Appraisal:

The character appraisal for Brighton Road states that architectural styles vary with the older later nineteenth century houses located at the mid section on both sides of the road, with later twentieth century located at either end.

The proposal is considered a high quality, sensitive design, that is complementary and sympathetic to the context and scale of the existing dwelling and surrounding houses. The proposed extension is subsidiary to the main house.

Documents included with the appeal:

- Tree Survey and Arborist Report.
- 3D images of the proposal.

6.2 Planning Authority Response

The Board is referred to the original Planner's report on file as no new matters were raised in the appeal to warrant further comment.

6.3 Observations

None.

6.4 Prescribed Bodies

The appeal was referred to the following Bodies:

- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- An Taisce.
- Failte Ireland
- The Arts Council.

No response received.

7.0 Assessment

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 'Architectural Heritage Guidelines for Planning Authorities' and Sections 8.2.11.2 and 8.2.11.3 of the Development Plan set out a number of key principles when considering development within Architectural Conservation Areas and within proximity of Protected Structures.

7.1.2 Glenasmole is a Victorian two storey detached dwelling, dating from the late nineteenth century, which has been extended and altered over the

years. It is located within a designated Architectural Conservation Area. However, it is not a Protected Structure. The site is bounded to the east by two Protected Structures, Tullow Church (Ref. No. 1693) and Rectory (Ref. No. 1691).

- 7.1.3 The Planning Authority and Conservation Division identified the use of a traditional design approach which reflected the existing house as a central issue in this application. It was considered that this design approach, in addition to the scale and bulk of the extension, would result in a dwelling that would not enhance or enrich the Foxrock Architectural Conservation Area and could potentially confuse the historical narrative of this distinctive residential area.
- 7.1.4 Section 8.2.3.11 (i) of the Development Plan notes that appropriate contemporary design approaches are encouraged within ACAs and new developments should be 'of their time'. The Council's Conservation Division concluded that the development, by nature of its architectural style, external expression and form strongly reflected the existing architecture of the parent building and failed to read as a later addition. I note that section 8.2.11.3 (i) reference to an avoidance of 'pastiche' does not preclude traditional design approaches within ACAs.
- 7.1.5 Brighton Road is characterised by large detached residences dating from the late nineteenth with later twentieth century and recent infill developments predominantly reflecting the traditional style of the area. In this instance, the proposal, involving the refurbishment and extension of an existing dwelling, would result in a dwelling where design, finishes and materials are consistent throughout. The applicant's intention is to refurbish the existing house and construct a traditional style extension, which is sympathetic and harmonises with the original house. The

proposal is further illustrated in the 3D images submitted with the appeal. I am satisfied that this design approach extends the original house in a sympathetic manner while also reflecting the style of newer houses along Brighton Road, such as Es Vedra, the two storey house built in the side garden of Glenasmole in 2006.

- 7.1.6 I consider that the net impact of the extension within the site to be acceptable due to its design, scale and context. In my view the use of different roof profiles and setbacks reduces the overall bulk of the proposed house. I am satisfied that the proposal can be assimilated into the site and that the cumulative impact of the existing and proposed development, including alterations to the proposed vehicular entrance, would not confuse the historical narrative or compromise the special character of Foxrock Architectural Conservation Area. I, therefore, consider that the proposed development complies with Section 8.2.11.3(i) of the Development Plan and the guidance as set out in the Architectural Heritage Protection Guidelines.
- 7.1.7 Section 8.2.11.2. (iii) of the Development Plan refers to development within proximity of Protected Structures. The Conservation Division recommended that photomontages and visual aids should be requested to fully evaluate the impact the proposal would have on the adjacent Protected Structures (Tullow Church and Rectory). The Planning Authority did not include the impact on the Protected Structures in the reason for refusal.
- 7.1.8 In my view, taking into account the boundary treatment and screening along the eastern boundary, the proposal would not be visually overbearing or obtrusive when viewed from the adjacent Protected Structures, Tullow Church (Ref. No. 1693) and Rectory (Ref. No. 1691).

Landscaping and boundary treatment details can be dealt with by condition if the Board is of a mind to grant permission. The proposed development is satisfactory in terms of protecting the character, setting and amenities of the adjoining Protected Structures. I am satisfied that the proposal complies with Section 8.2.11.2 (iii) of the Plan.

- 7.1.9 Section 8.2.3.4 (i) of the Development Plan refers to the general development management standards for domestic extensions. The new and proposed works harmonise in terms of materials, finishes and style. As noted in section 7.1.6, above the visual impact of the proposal is further reduced through the use of different roof profiles and setbacks. The proposed development reflects the architectural grain and pattern of development in the area. I am satisfied that the design and scale of the proposal would not be overbearing, visually obtrusive or incongruous at this location. Overlooking and overshadowing are not material considerations. I consider, therefore, that the proposal complies with Sections 8.2.3.4 (i) of the Development Plan.

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 context of the site along Brighton Road, its boundary treatment, to the existing and permitted development and to the design, scale and bulk 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 house on the site, would not detract from the special character of Foxrock 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 and by the further plans and particulars received by An Bord Pleanála on the 21st day of August, 2017, 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 protecting the character of Foxrock Architectural Conservation Area.

- 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. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- a) Recommendations from the Survey and Arborist Report received by An Bord Pleanála on the 21st day of August 2017. All identified trees to be retained along the eastern boundary shall be fenced off and protected during the construction of the development and shall be retained thereafter.
- b) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings;
- c) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme

Reason: In the interest of protecting the character of Foxrock Architectural Conservation Area.

5. 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.

6. 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.

7. 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

20th November 2017