



An
Bord
Pleanála

Inspector's Report ABP-300114-17

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| Development | Change of building type from two-storey dormer to two-storey house, garage and ancillary site works. |
| Location | Rear of Glenlucan, a Protected Structure, Killarney Road, Bray, Co. Wicklow. |
| Planning Authority | Wicklow County Council. |
| Planning Authority Reg. Ref. | 17/356 |
| Applicant(s) | Patrick Grant |
| Type of Application | Permission |
| Planning Authority Decision | To Grant Permission subject to conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Ann Mason |
| Observer(s) | No Observers |
| Date of Site Inspection | 16th January 2018 |
| Inspector | Erika Casey |

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.14 hectares, is located within the curtilage of Glenlucan House, a Protected Structure (RPS No. B31). The Protected Structure is a single storey over basement villa type property constructed c.1854. The house has an area of c. 485 sq. metres and an approximate height of 8.4 metres. It is listed as being of regional importance within the NIAH survey (Ref. No. 16301057). The house itself is primarily in residential use with a childcare facility at ground floor level.
- 1.2. The site is bound by residential development, with Ardmore Park located to the west and Glenlucan Court located to the east. The site proposed for the development of the dwelling is in the former kitchen garden located to the north of the protected structure. The remainder of the grounds have been developed over time and the subject site is all that remains of those attendant grounds. It is noted from the planning history files that the site previously accommodated a coach house. This building, with the exception of one of its gable walls has been demolished.
- 1.3. The boundary between the site and Glenlucan House comprises a timber panel fence and the remnants of the gable wall of the coach house. The eastern, western and northern boundaries comprise concrete block walls with some mature trees and vegetation. The topography of the site is uneven and slopes gently downwards towards the northern boundary.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for the change of house type from a dwelling previously approved under Planning Authority Reference 12/630023 to two storey dwelling, with a garage and ancillary site services.
- 2.2. The dwelling previously permitted on the site comprises a dormer house with an area of 171 sq. metres and a height of c. 7.18 sq. metres. It had a traditional design and was located to the north west of Glenlucan House. Vehicular access to the dwelling was shared with the main house from Glenlucan Court.
- 2.3. The revised dwelling type proposed under the current application comprises a 4 bedroom, two storey house with an area of 226 sq. metres. It has a height of 7.18

metres. It is set back from the boundary with Glenlucan House by a distance of c. 14 metres.

- 2.4. The development also provides for a separate detached garage, located to the south east of the site, to the rear of the existing outhouses adjacent Glenlucan House. The garage has a height of c. 3.8 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 7

Prior to the commencement of development revised drawings showing the following revisions to the elevations of the proposed house:

“The glazing shall be altered so that there is a suitable separation between the windows and the gutter/eaves of the roof. Glazing shall be symmetrically arranged with vertical emphasis and same size and style across the façade.”

3.2. Planning Authority Reports

3.2.1. Planning Reports (22.05.2017 and 13.10.2017)

- Concerns raised initially that the proposal, having regard to its overall scale, design and proximity to the protected structure may have an unacceptable impact on the character of the protected structure. It was noted that the dwelling was not particularly subordinate to the main dwelling house and that the design mimicked the main house to an unacceptably high degree.
- On foot of a Further Information Request and Conservation Report submitted, it was concluded however, that the proposed house would not detract from the character or significance of the protected structure. In reaching this conclusion, the Planner’s Report notes that the proposed house would be at a distance from the protected structure, would be smaller, at a lower level, physically separated from it and out of the primary line of view of the protected structure.

The proportions of the house would be different to the main house while the modelling of the exterior would be simpler than that of the protected structure.

- Notes that much of the original setting of the protected structure has already been lost through housing development in the vicinity over the years and that the house is unlikely to be significantly visible on the approach to Glenlucan House.
- States that the application was discussed with the Heritage Officer who considers that having regard to the history of the site and the findings of the Conservation Report submitted, that the proposal may be acceptable.
- Consider that due to the separation distance between the proposed house and Glenlucan House and the residential properties to the rear at Ardmore Park and Crescent, that the development would have no detrimental impacts in terms of overshadowing, overlooking or overbearing effect.

3.2.2. **Other Technical Reports**

- No other reports.

3.3. **Prescribed Bodies**

- **Irish Water (30.03.2017):** No objection.

3.4. **Third Party Observations**

3.4.1 2 third party observations by Mark and Tracy de Foubert and Ann Mason. Issues raised include:

- Concerns regarding potential impact on the boundary wall and pear tree between the site and no. 20 Glenlucan.
- Consider that the development of a larger dwelling on the site would have adverse impacts on Glenlucan House in terms of overlooking.
- Concerns that excavation works associated with the proposed garage would cause subsidence at the boundary with Glenlucan House.

- Object to potential construction impacts particularly from construction traffic and potential impacts on the preschool facility at Glenlucan House in terms of noise and disturbance.

4.0 Planning History

4.1 The planning history of the site is set out below.

Planning Authority Reference 12/630023

Permission granted in January 2013 for a dormer dwelling on a site adjoining Glenlucan House.

Planning Authority Reference 10/630019/Appeal Reference PL39.236896

Permission refused by the Board in March 2011 for a development comprising a 2 storey dwelling and ancillary services. There was one reason for refusal:

1. *The site of the proposed development is located to the side of Glenlucan House, which is designated as a Protected Structure within the Bray Town Development Plan 2005 – 2011, designated as being of regional architectural importance and is located in an area that is zoned to protect existing residential amenity and to provide for appropriate infill residential development. The proposed development, by virtue of its scale, height, design and inadequate separation distances, including proximity to the site boundary to the main house, would seriously impact on the value, setting and character of Glenlucan House. The proposed development would, therefore, seriously injure the character and setting of the Protected Structure and the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.*

Planning Authority Reference 00/630126/Appeal Reference PL39.121515

Permission refused by An Bord Pleanála in April 2001 for a 2 storey dwelling. The reason for refusal stated:

1. *It is considered that the proposed two storey house would seriously injure the amenities of adjoining properties, by reason of overlooking and disturbance arising from the generation of vehicular traffic in close proximity to the rear gardens of the adjoining properties, would be out of character with the existing*

development on the site and would, therefore, be contrary to the proper planning and development of the area.

Planning Authority Reference 133/99/Appeal Reference PL39.112743

Permission refused by the Board in February 2000 for the development of 4 no. dwellings. The reasons for refusal were:

1. *It is considered that the proposed development of four houses would constitute overdevelopment on this site and would seriously injure the amenities of adjoining properties by reason of overlooking and disturbance arising from the generation of vehicular traffic in close proximity to the rear gardens of the adjoining properties. The proposed development would contravene the policies of the current Development Plan for the area (which are considered reasonable) and would, therefore, be contrary to the proper planning and development of the area.*
2. *It is considered that the additional traffic movements generated by the proposed development onto the existing small housing development, which is characterised by a narrow circulation area with high gradient and restricted visibility at the access to the proposed development, would constitute an unacceptable level of increase in traffic and would endanger public safety by reason of traffic hazard.*

5.0 Policy Context

5.1. Development Plan

- 5.1.1 Under the Bray Town Development Plan 2011 – 2017 (which has now expired), the site is zoned RE1 Primarily Residential Uses – *To protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary services.* Under the Draft Bray Municipal District Local Area Plan 2017, the site is zoned RE: *Existing Residential: To protect, provide and improve residential amenities of existing residential areas. To provide for house improvements, alterations and extension and appropriate infill residential development in accordance with the principles of good design and protection of existing residential amenity.*

5.1.2 Under the Bray Town Development Plan 2011 – 2017 – the following policies are of relevance:

3.4.3 Infill Residential Development

12.3 Residential Development

12.3.7 Backland Development

5.1.3 Under the Draft Plan, the following policies are of relevance:

R1: all new housing development shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.

5.1.4 Under both plans, Glenlucan House is a protected structure – Reference B31.

5.1.5 Under the Wicklow County Development Plan 2016-2022 section 4.3 sets out key housing principles.

5.2 Other Policy

Architectural Heritage Protection – Guidelines for Planning Authorities

Section 13.5 – Development within the Curtilage of a Protected Structure:

“Proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure.”

National Inventory Architectural Heritage

With regard to Glenlucan House, this notes:

“This is a good example of a successful reuse of an older building. Although it has lost much of its original setting it is still well preserved and in original condition. It is not visible from the road so when approaching the bend in the driveway there is an element of surprise.”

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the Ballyman SAC which is located c. 1.5km to the west of the site. The Knocksink Wood SAC is located c. 3.4 km to the south west and the Bray Head SAC is located c. 2.1 km to the south east.

6.0 The Appeal

6.1. Grounds of Appeal

- Notes that the re-designed dwelling would be much larger than the previously permitted design. Concerns raised regarding potential overlooking and overbearing impacts and consider that the development would result in a consequent loss of property value to their dwelling.
- Consider that there is a material difference between the permitted dwelling and the proposed revised design in terms of the roof profile, eaves and fenestration which exacerbates potential impacts.
- Submit that the proposed development would have an unacceptable impact on the curtilage of the protected structure. Refer to the previous decision of the Board in respect of Appeal Reference PL39.236896 which stated that any infill site would need to have a low profile to avoid detracting from Glenlucan House.
- Consider that the development by reason of its scale, height, design, orientation and inadequate separation distances would impact on the value, setting and character of Glenlucan House and be injurious to its setting.
- Full detail of what happened the associated coach house that formed part of the protected structure until quite recently is required. It is noted that a Warning Letter has been issued in respect of this matter.
- The proposed garage is located immediately adjacent to the garden wall of Glenlucan House and there are concerns regarding potential impacts on the house and perimeter wall as a result of ground disturbance.
- Considers that the development description in the public notices is incorrect and that the application should be invalidated on this basis.
- Request that in the event that the dwelling is permitted, a condition should be imposed requiring the house to face forward as Glenlucan House does. State that parking should be transferred to the north west of the site.

6.2. Applicant Response

- Sets out history of site ownership.
- Does not consider the subject site is within the curtilage of the protected structure.
- The footprint of the dwelling is considerably less than Glenlucan House.
- It is considered that the revised design is more in keeping with Glenlucan House.
- Photographs submitted by the appellant of the coach house are over 18 years old and taken prior to the collapse of the coach house roof in 2001. The photos in the 2010 report by Rob Goodbody demonstrate the derelict condition of the coach house which prompted the council to agree to its removal.
- The re-orientation of the dwelling by 90 degrees would cause overlooking to no.s 19 and 20 Glenlucan Estate.
- It was always the intention that subject site would be accessed via the existing right of way.

6.3. Planning Authority Response

- No further response.

6.4. Observations

- No observations.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal submitted. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on the Character and Setting of the Protected Structure.
- Impact on Residential Amenity.

- Other Issues.
- Appropriate Assessment.

7.2 Impact on the Character and Setting of the Protected Structure

7.2.1 The subject application comprises the construction of a 2 storey dwelling house to the north west of Glenlucan House – a protected structure. There have been a number of previous proposals in relation to the subject site. Permission has previously been refused under appeal references PL39.121515 and PL39.236896 for a two storey dwelling on the subject site on the basis of potential negative impacts on the value, setting and character of Glenlucan House and concerns regarding impacts on the amenities of adjoining properties.

7.2.2 Under the most recent application in 2010, a number of issues were raised by the Inspector. Firstly, there were concerns regarding the demolition of the coach house. Secondly, there were concerns relating to the potential impacts on the character and setting of the protected structure. It was noted that any development should be subordinate to the protected structure in terms of height, design, scale and massing. It was considered that the dwelling with a height of 8.6 metres would have an overbearing impact and that a high quality design and sympathetic proposal should form the basis of any submission. It was considered that the design of the dwelling was suburban in scale and that:

“a far more appropriate option in this instance would be the provision of a dwelling, possibly single storey in height that reflects the elements of the existing dwelling within (sic) mimicking it.”

7.2.3 Further to this decision, under Application Reference 12630023, permission was granted on the site for a more modest proposal comprising a dormer dwelling with an area of 171 sq. metres. The design was traditional. The Planner’s Report noted in their assessment that whilst the location of the dwelling was predominantly in the same position as the location of the previous proposal that was refused in 2010, the footprint of the dwelling had been reduced and the ridge height was lower at 7.1 metres. As part of this application at Further Information Stage, whilst not explicitly stated in the public notices, it was stated that the existing coach house was to be demolished due to its ruinous condition.

- 7.2.4 Under the current application, the applicant seeks permission for a two storey dwelling. I consider the site to be located within the curtilage of Glenlucan site – a protected structure. The majority of the attendant grounds of the protected structure have been developed over the years for suburban housing. Having regard to the planning history of the site and the extant permission granted by Wicklow Council under Planning Authority Reference 12630023, the principle of development on the subject site is acceptable. The key issue to consider is whether the height, scale and design of the dwelling is appropriate in the context of its proximity to the protected structure.
- 7.2.5 Under the current proposal, the applicant seeks to increase the floor area of the dwelling considerably from that previously permitted (171 sq. metres) to 226 sq. metres. The scale and design of the dwelling now proposed is also significantly different. It is stated in the documentation that the proposed dwelling works with the contours of the site and has a height of 7.18 metres which is consistent with the previously approved. It is set back from the boundary with Glenlucan House by a distance of c. 14 metres. The design has a clear Georgian influence.
- 7.2.6 Concerns were raised at Further Information Stage by the Planning Authority regarding the design of the house and its potential impacts on Glenlucan House. In response, a Conservation Report was submitted which assesses the impact of the proposed dwelling on the protected structure. This notes that the proposed house is of lower height and sited at a lower level to Glenlucan House. The dimensions of the plan and building form are also smaller. The report concludes that the height, scale and massing of the dwelling would all be subordinate to the protected structure, whilst its location and orientation would ensure that the proposed house is tucked away behind Glenlucan House and not generally seen in the same views from the entrance. In terms of its design, it is detailed that modelling of the exterior would be simpler than that of the protected structure ensuring that it blends with the protected structure thus avoiding pastiche.
- 7.2.7 Having reviewed the information on file including the Conservation Report, I am of the view that the design, scale and height of the dwelling is generally acceptable. It is noted that the context of Glenlucan House has radically altered over the years and much of its attendant grounds have been developed for standard suburban two

storey housing. The setting and character of the protected structure has in this regard been largely compromised.

7.2.8 Under Appeal Reference PL39.236896, the height of the dwelling refused permission was 8.6 metres. Under the current proposal it is 7.1 metres which is generally consistent with that height of the dormer dwelling permitted by Wicklow Council under Planning Authority Reference 12/630023. The form and design of the dwelling is also simpler and whilst it is somewhat pastiche, I do not consider that it detracts from the character of the protected structure. The proposed dwelling is sited to the side of the protected structure and is set back over 14 metres from the boundary with Glenlucan House. It is set back c. 19 metres from the house itself. Due to the topography of the site, it will also be located at a lower level mitigating its impact. Further landscaping along the southern boundary would further soften potential impact and this can be addressed by way of condition. Having regard to the separation distances from the protected structure the lower height and simpler design and roof form proposed, I am satisfied that the development will not adversely impact Glenlucan House.

7.2.9 It is noted that concerns have been raised by the appellant regarding the proposed detached garage and its potential impact on Glenlucan House due to ground disturbance. It is detailed in the Engineering Report submitted at Further Information Stage that it is proposed to remove the existing gable wall of the coach house and construct a new concrete retaining wall. Further reinforced blockwork is proposed adjacent to the garage. The level of information provided regarding the final treatment of the boundary between the site and Glenlucan site is poor. No details of the height or treatment of the new retaining wall are provided.

7.2.10 Furthermore, I would have concerns regarding the siting of a large double garage of 3.8 metres in height in such close proximity to the boundary with Glenlucan House. With the exception of a temporary steel fence, there is currently no physical boundary between the site of the proposed garage and Glenlucan House. This area to the rear of the house comprises part of the remaining amenity space of the protected structure. I consider that the development of such a large garage in immediate proximity to the boundary would have an overbearing and negative impact on the amenities of the dwelling. In this regard, I recommend that the garage be removed by condition. Whilst I note the concerns of the appellant regarding

potential ground disturbance, this will be reduced by the removal of the garage structure from this boundary and can be further minimised through good construction practice. I would recommend a condition be imposed requiring full detail of the boundary treatment between the site and Glenlucan House and in particular the new retaining wall to be agreed in writing with the Planning Authority prior to commencement of construction.

7.3 Impact on Residential Amenity

7.3.1 Concerns have been raised regarding the impact of the development on the residential amenities of adjacent properties and in particular Glenlucan House. As detailed above, the proposed dwelling is set back considerably from the boundary of Glenlucan House by over 19 metres. In this context, it is not considered any significant overlooking will occur. Equally the dwelling is set back c. 7 metres from the western boundary and the gable (which has no fenestration) of no. 45 Ardmore Crescent. The dwellings to the east and north are also set back considerable distances. I am satisfied that the dwelling will have no adverse impacts on the amenities of adjacent properties.

7.4 Other Issues

Coach House

7.4.1 It is detailed in the third party appeal that further consideration and clarity is required regarding the demolition of the coach house. This structure has been demolished and all that remains insitu is its gable wall. It was detailed in the application documentation that stone from the coach house would be used as the finish for the garage. It was clarified however, at Further Information Stage, that the garage would have a traditional render finish and that none of the coach house stone would be re-used on the site.

7.4.2 As noted above, at Further Information Stage under Planning Authority Reference 12/630023, a Conservation Report was submitted detailing that the coach house had experienced significant decay and damage, was in ruinous condition and incapable of refurbishment. It is considered that whether the removal and demolition of the coach house was authorised is a potential enforcement issue and outside the scope of this assessment.

7.4.3 In the current application however, the structure with the exception of its rear gable wall has been removed and the proposed dwelling must be considered in that context. Under the current application, it is detailed in the engineering report that remaining gable wall is in poor structural condition and beyond repair and it is proposed to remove it and construct a new concrete retaining wall to support the ground to Glenlucan House. This is considered acceptable. However, as detailed above, further detail is required regarding the design, height and finish of the new retaining wall.

Procedural

7.4.4 Concerns have been raised by the appellant that the site notice is invalid as it made reference to the previously permitted 2 storey dormer dwelling on the site. It is considered by the appellant that this is an inaccurate description. Section 3.4 of the Development Management Guidelines 2007 sets out guidance regarding the public notices and states: *“The public notice should therefore be drafted so as to give a brief indication as to the nature and extent of the proposed development and is not required to go into excessive detail.”*

7.4.5 Having regard to this guidance, I am satisfied that the nature and content of the site and newspaper notice submitted with the application was sufficient and that third party rights were not prejudiced with the regard to the detail and content of the public notices.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, a two storey dwelling house within an established urban area, and the distance to the nearest European site, 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the residential zoning of the site; the planning history of the site; to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area nor have a negative impact on the value, setting and character of Glenlucan House. 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 as amended by the further plans and particulars submitted on the 20th day of September 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. Water supply and drainage arrangements, including the attenuation and 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.

3. a) A scheme indicating landscape boundary treatment for all boundaries of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along all boundaries consisting predominantly of trees, shrubs and hedging of native species of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
(c) Full details of the boundary treatment between the site and Glenlucan House including details of the design, height and finish of the proposed retaining wall to be agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to screen the development and in the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The proposed detached garage shall be omitted in its entirety.

Reason: In the interest of residential amenity.

6. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays.

Deviation from these times will 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 adjoining property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate any potential damage to the adjacent protected structure, the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. 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 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 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.

Erika Casey
Senior Planning Inspector

17th January 2018