



An
Bord
Pleanála

Inspector's Report ABP-300203-17

Development	Three apartments with balconies, courtyard garden at second floor level and associated site works.
Location	Zoe House, Church Road, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	17/1026.
Applicant	O'Connor Whelan Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	O'Connor Whelan Ltd.
Observer	None.
Date of Site Inspection	15 th February 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 Zoe House is a two storey infill town centre development dating from c. 2008 on the corner of Church Road and Hillside Road in Greystones, Co. Wicklow. It is located within the designated Church Road Architectural Conservation Area as identified in the Greystones Delgany and Kilcoole Local Area Plan 2013-2019.
- 1.2 The site, with a stated area of c. 0.814 hectare, is bounded to the south and southwest by Super Valu and associated carpark and to the north by Hillside Road. The site opposite, on the northern side of Hillside Road is in the process of being redeveloped. To the west of the site, along Hillside Road is a two storey mixed use development. Opposite the site, along the eastern side of Church Road, are a number of commercial units, including an infill development with boots/opticians and a takeaway at ground floor and apartments with balconies at the upper floor. The overall area is characterised by a mixture of town centre developments and styles.
- 1.3 The eastern section of Zoe House, fronting onto Church Road, consists of a traditional two storey building, which is currently occupied by a café and a retail unit, with a contemporary two storey extension to the southern side consisting of a public house and a barbers. The northern section of Zoe House, fronting onto Hillside Road, is a two storey contemporary design with a staggered building line and is a mixture of retail and other uses. Zoe House is served by an existing basement carpark accessed off Hillside Road.
- 1.4 Maps, photographs and aerial images included in the file pouch.

2.0 Proposed Development

- 2.1. The existing structure, Zoe House, has a gfa of c. 1994sq.m on a site with an overall area of c.0.818 hectares.
- 2.2. Permission is sought for a new second floor (c. 274sq.m) consisting of 3 no. apartments (2 no. 2 bed and 1 no. 1 bed), balconies to each apartment and a

courtyard garden at second floor level. The use of 3 parking spaces, bin stores and bicycle spaces at basement level (approved under 17/114).

2.3. Documentation includes:

- Planners Report.
- Computer generated images of the proposal.

3.0 Planning Authority Decision

3.1 Decision

Refuse permission for the following reason:

Having regard to:

- a) The scale, mass, design and general form/features of the proposed development.*
- b) The location of the development on a prominent site within the Church Road Architectural Conservation Area.*
- c) The existing character of development on site and in the vicinity.*

It is considered that the proposed development would form an incongruous feature within the established character of the Church Road ACA, would materially detract from same and would not contribute positively to the character of the ACA. The proposed development would therefore unduly impact on the architectural character and setting of properties in the vicinity, thus degrading to an undue degree from the character of the Church Architectural Conservation Area and would set an undesirable precedent for similar forms of inappropriate development and would be contrary to Objective HER12 as set out in the Greystones/Delagany & Kilcoole Local Area Plan 2013.

3.1. Planning Authority Reports

3.1.1. Planning Reports

This Report together with additions from the Director of Services (17th October 2017) forms the basis for the Planning Authority's decision.

- The main concerns related to scale, mass and design given the location of the site on a prominent corner within a designated Architectural Conservation Area.
- Reference is made to the Heritage Officers comments which are summarised in section 3.2.2 below

The Director of Services (17th October 2017) noted the following in his comments on file:

This original development was most sensitively designed and I have often used it as a paradigm for other designers. What is proposed in no way fits into the streetscape or its idiom. It would seem that a further storey could be accommodated here within the idiom. What is proposed is simply off the shelf architecture and not worthy of the prominent site.

3.2.2 Technical Report

Heritage Officer. The scale, mass and design of the proposed development are incongruous with the established character of the Church Road ACA and would materially detract from same. Specifically the second floor addition of the proposed development includes a number of features which are inappropriate in this area, namely the glazed balustrades, balconies and windows and doors of varying sizes and alignments.

Roads Section. Further Information recommend on parking.

Irish Water. No objection.

3.3 Submissions

None.

4.0 Planning History

There is an extensive planning history on the site, the most relevant applications are referred to below:

Planning Authority Reference No. 06/6315 refers to a 2006 grant of permission to demolish a garage and erect a building with retail on the ground floor and offices on the first floor.

Planning Authority Reference No.12/6350. An Bord Pleanala Reference No. PL27. 240874 refers to a 2013 grant of permission to change the basement car park to a late night licenced venue.

Planning Authority Reference No. 17/114 refers to a 2017 grant of permission for the change of use from offices to 5 apartments. **An Bord Pleanala Reference No. PL27. 248642** relates an appeal regarding a financial contribution attached to this application. The Board omitted this condition on appeal in 2017.

5.0 Policy Context

5.1 Greystones-Delgany and Kilcoole Local Area Plan 2011-2013-2019

Land Use Zoning:

TC (town Centre) *'To protect, provide for, and improve the development of a mix of 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. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas'.*

Architectural Conservation Areas

HER12: *To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives, amongst others, shall apply to ACAs:*

- *Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.*
- *The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.*
- *The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.*

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counterproductive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

5.2 Wicklow County Development Plan 2016-2022

The policies and objectives are generally reflective of what is included in the Local Area Plan.

5.3 Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines. (DECLG 2015). These provide recommend minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, **The Urban Design Manual - A Best Practice Guide (DoEHLG 2009)**. These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns, appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities (DoEHLG 2007). These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings.

Architectural Heritage Protection: Guidelines for Planning Authorities (2011)

Chapter 3. Architectural Conservation Areas.

Section 3.10 Criteria for assessment of proposals within Architectural Conservation Areas.

Generally it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting the greater the presumption in favour of harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of the new structures should be appropriate to the general scale of the area and not is biggest building.

5.3 Natural Heritage Designations

There are a number of European designated sites within 5km of the application site:

- Bray Head SAC (site code 000714) c. 1.7km to the north.
- Glen of the Downes SAC (site code 000719) c. 3.6km to the west.
- Murrrough Wetlands SAC (site code 002249) c. 3.5km to the south.

There are none within the immediate vicinity of the site.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal address the reason for refusal and are summarised as follows:

- The proposal complies with Objective HER12.
- The scale, mass and design has taken careful consideration of the sites location on a prominent corner within the ACA. The original design included a dummy roof to facilitate an additional floor at a future date.

The appeal includes:

- Original construction detailing showing a 'dummy roof' as it was always the intention to provide an additional floor.
- Computer generated images (CGI) of the proposal.

6.2 Planning Authority Response

None.

6.3 Prescribed Bodies.

None.

6.4 Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The issues can be dealt with under the following headings.

- Design and impact on the Architectural Conservation Area.
- Appropriate Assessment.

7.1 Design and Impact on the Architectural Conservation Area.

7.1.1 HER 12 sets out the Council's Objectives in relation to developments within Architectural Conservation Area (ACAs) identified in the Local Area Plan. The objective outlines that the designation of an area as an ACA does not preclude a modern approach to design as this clearly differentiates the historical buildings from the newer ones. This approach is favoured over the replication of historical architectural styles which can contribute to the emergence of poorly considered and inauthentic buildings.

7.1.2 Zoe House is located on the corner of Church Road and Hillside Road within Greystones town centre, which has been the subject of extensive redevelopment over the years. Permission is sought for an additional floor to the existing building, Zoe House, which was built in the early 2000s. The bulk of the structure is located along Hillside Road. The front (eastern) section of Zoe House is prominent within the Church Road Architectural Conservation Area and any design, therefore, should respect the character of this area while also facilitating more contemporary architectural approaches to design. On the eastern side of Church Road, opposite the site, is a contemporary infill development which includes balconies at the upper floor level. There are a number of historical three storey buildings within the ACA, for example Greystones Credit Union is part of a terrace of 4 no. three storey buildings further south along Church Road.

- 7.1.3 The applicant has opted for a design that compliments the existing structure on site which is a contemporary style building and clearly differentiates Zoe House from older structures within the ACA. Having examined the plans and inspected the area I agree with the applicant's approach. There is a clear distinction between the old and the new, a contemporary style second floor extension is in keeping with the style of the existing building. The effect is not to jar with the character of the existing built environment but add to an existing contemporary element that enhances the architectural grain of the area. This approach is generally favoured by the Architectural Heritage Guidelines for developments within Architectural Conservation Areas, especially where there is an existing mixture of styles as is the case within the immediate vicinity of the site within the Church Road ACA.
- 7.1.4 The Council's Heritage Officer has raised concerns that the overall scale, mass and design of the proposed development would be incongruous. In particular the inclusion of a number of features which are considered inappropriate, namely the glazed balustrades, balconies and windows and doors of varying sizes and alignments.
- 7.1.5 The second floor extension would have a rhenzink standing seam cladding and render finish with charcoal grey double glazed windows. I consider that these materials and finishes are acceptable and specifics can be dealt with by condition if the Board is of a mind to grant permission.
- 7.1.6 The use of a glass balustrades and large glazed windows and doors is common design practice when extending older structures or introducing contemporary designs into Architectural Conservation Areas. They assist in integrating the old and the new designs within the area, while at the same time clearly distinguishing different architectural styles or periods. In this instance the use of glass balustrades to the proposed balconies at second floor level would have a minimal impact on the character of the ACA. The construction of Zoe House introduced a contemporary building into the streetscape and the proposed second floor extension and use of glazing compliments the original design. It

does not detract from the architectural integrity of the original design or that of the Church Road ACA and is considered acceptable.

7.1.7 I note that computer-generated images of the proposed development have been submitted. While I accept that the proposed development would introduce a second floor with balconies to the building along the western section of Church Road. Opposite the site, along the eastern side of Church Road is an existing development with balconies, albeit at first floor level. No increase to the overall height of Zoe House is proposed, the existing 'dummy roof' has a ridge height of c. 10.3m above a basement carpark. In my view, the location of the site on a corner can accommodate the visual impact of an additional floor and balconies. I do not consider that the proposal would have an overbearing impact along Church Road or Hillside Road or the character of the ACA. I consider that the design, materials and finishes are appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining buildings.

7.1.8 Church Road is an area of transition as one moves south from the older detached residential properties towards the mixed-use developments of the town centre. The changing character of southern end of Church Road can, in my opinion, assimilate different design approaches without having a detrimental impact on the overall character of the area. Given the town centre location and the existing mixed use pattern of development in the vicinity I am of the opinion that the proposal represents a well considered design approach that reasonably addresses the sensitives of the Church Road Architectural Conservation Area. The design is not considered incongruous and the proposed development would not be out of character with the existing structure on site or with the pattern of development in the area. The scale, mass, design and general form/features of the proposed development, therefore, would not, in my view, be injurious to the character of the area or contrary to objective HER12.

7.2 Other Issues

- 7.2.1 The proposed development complies with the general development management standards for apartments in terms of apartment sizes, residential amenity, private amenity spaces, parking, etc. I consider that this issues can be dealt with through the use of appropriate conditions.
- 7.2.2 The Area Planner raised no objection on grounds of residential amenity, traffic or site services. The Area Planner outlined that they had consulted with the Municipal Engineer who had no objection. I note that there is no Municipal Engineer Report on file. There is a report on file from Council's Roads Section requesting a detailed car parking assessment.
- 7.2.3 I note that permission was granted in February 2013 under **An Bord Pleanála Reference No. PL.27.240874** for the change of use of the basement carpark to late night licenced venue, this change of use did not take place. Based on the information submitted with the current application before the Board, I consider that the carpark arrangements proposed at basement level to cater for the permitted and proposed residential units are acceptable given the location of the site within Greystones town centre, its proximity to public transport links and the presence of on street parking bays along Church Road and public carparks in the vicinity of the site.
- 7.2.4 The use of balconies and a communal roof terrace is considered acceptable at this town centre location. The apartments and associated private and public amenity spaces comply with the 2015 Design Standards for New Apartments.
- 7.2.5 The overall scheme, Zoe House, would remain a mixed use development within the Greystone town centre, the additional three apartments proposed in the

current application would bring the total number of apartments to eight over two floors with the ground floor units being retained for non-residential use.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and small scale of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the proposed development, to the general character and pattern of development in the area and to the provisions of the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 it is considered that, subject to compliance with conditions set out below, the proposed development would not detract from the character and amenities of properties in the vicinity and would not detract from the character of Church Road Architectural Conservation Area. 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. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings 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 Church Road Architectural Conservation Area.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 amenities of property in the vicinity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. 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.

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, 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.

Dáire McDevitt
Planning Inspector
9th March 2018