



An
Bord
Pleanála

Inspector's Report ABP-301157-18

Development	Ground floor over basement offices/medical surgery, relocation of vehicular access and associated site works.
Location	1, Prince of Wales Terrace (a Protected Structure), Quinsborough Road/Wyndham Park, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1037
Applicant(s)	Trevor Bailey
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Trevor Bailey
Observer(s)	Maurice Joy
Date of Site Inspection	26.06.2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 286 sq. metres forms the rear garden of no. 1 Prince of Wales Terrace – a protected structure. The principal dwelling, No. 1, is registered on the National Inventory of Architectural Heritage (Reference 16301235) and is described as an end of terrace three bay, three storey over basement house, built in 1861 as one of a planned row of 12. It is considered to be of regional importance. The main house accommodates offices at basement level and residential use in the remainder of the house. It has frontage onto Quinsborough Road and Wyndham Park to the side.
- 1.2. There is an existing mews dwelling with a contemporary elevational design located to the south of the site. The mews building fronts onto Stable Lane, with its gable fronting Wyndham Park. Accommodation within the mews comprises offices at basement level and a granny flat above. The overall site, including the main dwelling and the rear mews has an area of 847 sq. metres.
- 1.3. There is an existing railing located along the western boundary of the site and the rear garden area is currently covered in gravel and provides off street car parking for 4 no. cars. There is also a small grassed area that serves as an amenity area to the mews building.

2.0 Proposed Development

- 2.1. The development as originally proposed comprised a ground floor over basement building to the rear of the main dwelling to accommodate a medical surgery/offices. A total of 78.9 sq. metres of floorspace was proposed at ground floor level with accommodation for 4 no. surgery rooms. At basement level, a further 124.48 sq. metres of floorspace was proposed with accommodation for a further 5 surgery rooms. The materials to the exterior of the building were to comprise weathered copper coloured cladding. A roof terrace of 30 sq. metres was also proposed.
- 2.2. Following an initial recommendation by the Planning Authority to refuse the development, a time extension was sought and an unsolicited further information submission was made by the applicant which substantially modified the design of the proposal. The revised plans omitted the ground floor offices and roof terrace. The

development as now proposed comprises only the basement medical surgery/offices with car parking for 4 no. cars and a terrace of 41.8 sq. metres on the roof over. The basement surgery has a gross floor area of 142.2 sq. metres and provides accommodation for 4 no. surgery rooms, a nurse's room and ancillary accommodation. Access to the site is proposed via Wyndham Park by a new vehicle ramp.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 1 no. reason:

“Having regard to the existing development within the blue line boundary that is reliant on parking spaces currently on the subject site, together with the lack of parking spaces for the proposed development, it is considered that the proposed development would result in a significant shortfall of car parking spaces to meet the car parking requirements set out in the Bray Town Development Plan and would result in hazardous reversing traffic movements and a demand for on street parking which has inadequate parking spaces to accommodate the additional spaces, and would therefore, be contrary to the proper planning and sustainable development in the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports (19.10.2017 and 13.02.2018)

- The planning history of the site is clear that the main house and the mews house on the landholding would share 6 on site car parking spaces with a special contribution in lieu of the parking shortfall. The development would decrease the parking spaces on the site from 6 to 4 spaces. To meet the standards of the Bray Town Development plan, a total of 12 car parking spaces would be required to serve the main house, the mews and proposed development.
- Concerns were raised initially that the proposed building would have an overbearing impact on the main house and result in a loss of light to this

dwelling, particularly the existing terrace located at ground floor level. Concerns were also raised regarding the visual impact of the building and its design which it was considered would detract from the character of the main building. However, the latter planner's report notes that as the revised proposal submitted by way of unsolicited additional information would be at basement level only, it would not result in any overlooking or overshadowing and the visual impact would be that of new fencing to serve the car parking area. It was considered that the development would be acceptable in terms of visual and residential amenity.

3.2.2. Other Technical Reports

Municipal District Engineer (19.09.2017):

- Recommends refusal on the basis of inadequate car parking and that as the development has no vehicle turning area, it would give rise to hazardous reversing traffic movements.
- Notes that no information provided on the depths and gradients of foul and surface water drains and that the proposal to locate a wall in close proximity and parallel to the foul drain is prejudicial to the integrity of the drain and the building layout and will inhibit access for future maintenance. These factors taken with the very low elevation of basement floor and shallow depth above adjacent public sewer would create a potential public health risk.

3.3. Prescribed Bodies

Irish Water (20.09.2017): No objection.

Department of Culture, Heritage and the Gaeltacht (04.10.2017): Requests imposition of a condition to state:

“A method statement for the proposed relocation of parts of the western boundary plinth, railings and gates. This statement should set out clearly how it is intended to carry out these works while minimising damage to the historic fabric.”

3.4. Third Party Observations

3.4.1 4 no. third party observations were made in relation to the application. Issues raised overlap and can be summarised as follows:

- Car parking is deficient to serve the development and the layout provides for no vehicular turning space which would result in a traffic hazard as cars would have to reverse onto the public footpath. On street parking in the vicinity is already oversubscribed.
- The development would result in the overdevelopment of the site and has an excessive site coverage. The development will detract from the quality of light to existing structures within the site.
- The development will have a negative impact on the setting and character of the protected structure. The east and west facing flanks of Goldsmith and Prince of Wales terraces make a significant contribution to Wyndham Park. The proposal will result in the development filling the visual break between house and mews, negatively impacting on the aesthetic of this historic house and public realm. The design is out of character with the historic terrace.
- The extent, scale and height of the development will have a negative overbearing and overshadowing impact, particularly to no. 2 Prince of Wales Terrace and proposed terrace will result in overlooking and result in the loss of privacy to adjoining neighbours.
- Concerns regarding the construction phase, and in particular the extent of material to be excavated to construct the basement element.
- The development represents a substandard form of development with inadequate light to the proposed basement. This area relies on high level windows, lighting from narrow void strips and confined lower level courtyard space.
- The development will result in the loss of open space for the existing dwelling and mews. The configuration and nature of the proposed open space is inadequate, disjointed from the residential uses and does not meet the quality of open space that is required.

- No demand for a medical centre use at this location. There are significant levels of vacancy in Bray that could accommodate the use proposed.

4.0 Planning History

Planning Authority Reference 06/630301

- 4.1 Permission granted in February 2007 for a 2 storey residential/office extension to the mews to the rear of 1 no. Prince of Wales Terrace (a protected structure) together with related alterations to planning permission reg. ref. no. 06/150.

Planning Authority Reference 06/630150

- 4.2 Permission granted in August 2006 for alterations and additions to 1 Prince of Wales Terrace (a protected structure) Quinsborough Road/Wyndham Park/Stable Lane to include the change of use of garden level from residential to office use, together with rear extension, new entrance and related alterations and additions. 2) Door in lieu of window in gable at first floor and use of existing flat roof at this level as terrace. 3) Refurbishment of existing kitchen at first floor return as sunroom. 4) New doors at rear of ground floor with use of roof of basement extension as terrace. 5) Solar panels at rear of roof over second floor level. 6) Change of use of ground floor of mews to office use, together with two storey extensions to Wyndham Park and Stable Lane frontages, with first floor residential use, and related alterations and additions including solar panels to roof of first floor facing Stable Lane. 7) Vehicular access from Wyndham Park and provision of four car parking spaces.
- 4.3 Condition 6 of this permission required a levy of €9,000 in lieu of car parking to serve the development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan is the Bray Municipal District Local Area Plan 2018-2024. The subject site is zoned TC: Town Centre. The objective of this zoning is to: *“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."

5.1.2 It is further stated:

"To develop and consolidate the existing town centres to improve vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise town centre conservation, ensure priority for public transport where applicable, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing centres' fabric."

5.1.3 The main dwelling no. 1 is identified a protected structure. The following policies are of relevance:

AH1: *To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.*

AH2: *To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects and / or other relevant experts, suitable design, materials and construction methods. All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection.*

5.2. Other Policy

Architectural Heritage Protection – Guidelines for Planning Authorities

5.2.1 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."

“Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. There may be a designed vista between a building and a built or landscape feature within its gardens or a less formal relationship between a house and its outbuildings. Similarly, the relationship between the protected structure and the street should not be damaged.”

5.2.2 Section 7.12 of the Guidelines regarding the reversibility of alterations notes:

“The use of processes which are reversible, or substantially reversible, when undertaking works to a protected structure is always preferable.”

Wicklow County Development Plan

5.2.3 Table 7.1 of the County Development Plan sets out parking standards. The following are of relevance:

- Clinic/medical practice: 2 per consultant.
- Offices (ground floor) 5 per 100 sq. metres.
- 2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size.

5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is Bray Head SAC located c.1.5 km to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development has a gross floor area of 142 sq. metres. The parking requirement is, therefore, 6 spaces. The existing house and mews offices require 3 no. spaces. No spaces are required for the basement offices as a special contribution was previously paid in lieu of these spaces. No space is required for the granny flat. A total of 9 spaces is required to serve the development. There are 4 spaces provided for in the development, therefore, the shortfall is 5 no. spaces.

- The assertion in the planner's report that there should be 6 on site parking spaces is incorrect. Submit that the shortfall of 4 to 5 spaces is not significant. Additional bicycle spaces proposed (12 in total).
- The parking layout allows for adequate turning on site. The layout is acceptable as it is a private car park to be used predominantly by those familiar with the layout.
- There are a number of public car parking spaces and car parks in the town. In addition there are privately operated car parks. The site is well served by public transport including the DART, public bus and cycle paths.
- The development will provide a purpose built facility in line with HIQA standards. Independent purpose built medical facilities are required. Letter of support from nearby medical practice.
- Refers to a number of previous decisions in the vicinity where allowances were made for a shortfall in the provision of parking given the proximity to high quality transport nodes and significant amount of on street car parking available. Consider that the shortfall in parking should not hinder the development given that the site is within a high quality public transport node, is surrounded by on street parking and is nearby public and privately operated car parks.

6.2. Planning Authority Response

- No further response.

6.3. Observations

Maurice Joy, No. 2 Prince of Wales Terrace

- An Bord Pleanála will consider the application de novo. Request that the Board consider the observation made in relation to the original application when considering the application.
- If the Board are minded to grant permission, consider that a condition should be attached requiring a flood impact assessment to be prepared to demonstrate that the development will not generate an adverse flood impact.

- Request a condition regarding new party boundary wall and that measures are taken to ensure the protection of the structural integrity of their client's boundary during the construction phase.
- Request condition regarding hours of construction and that noise levels are monitored during the construction phase.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and observation 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:

- Access and Parking
- Impact on Existing Protected Structure
- Standard of Development
- Appropriate Assessment

7.2 **Access and Parking**

7.2.1 The proposed development provides for the construction of a basement level building to provide surgery/office accommodation. The gross floor area of the development is 142 sq. metres. The site forms part of a larger landholding that accommodates the original protected structure which is in residential and office use and a mews building which is also in office and residential use. There are no parking standards set out in the Bray Municipal District LAP 2018. However, the County Plan in Table 7.1 of Appendix 1, sets out parking standards for different types of development.

7.2.2 Based on these parking standards, the level of parking required to serve the development would be as follows:

Residential accommodation (main house and mews): 3 no. spaces

Medical Surgery (2 spaces per consulting room): 8 spaces

Total: 11 spaces

Note: if the basement building was used for office accommodation as opposed to a surgery, the parking requirement would be c. 7 spaces, bringing the total required spaces to 10.

- 7.2.3 With regard to the office accommodation at basement level in the main house and in the mews development, it is noted that under application reference 06/150 a levy of €9,000 was imposed in lieu of parking provision. The condition stated that a rebate of €1,200 would be provided for each viable parking space, implying that 7.5 spaces were required to serve the office accommodation. It is noted that an application for a rebate of the levy was refused in 2013 as it was the view of the Planning Authority that additional spaces on the site would infringe on the open space of the dwelling. It is evident, therefore, that the previously approved development had a parking requirement of 7.5 spaces over and above the 4 spaces currently provided for on the site.
- 7.2.4 The development as proposed in the current application provides 4 no. car parking spaces. Based on the requirement for 10/11 spaces to serve the residential and medical centre/office elements, there is, therefore, a shortfall of at least 6 to 7 spaces to serve the development. This shortfall however, must be also considered in the context that the previously permitted development on the site for office accommodation already had a shortfall in car parking spaces (7.5 spaces) for which the applicant had to pay a levy.
- 7.2.5 It is set out by the applicant that the shortfall in parking is not significant particularly in light of the sites location in close proximity to excellent public transport connections and public and private car parking provision in the town. Whilst the precedent decisions outlined by the applicant are noted, I consider that in this instance, the shortfall in parking is significant, particularly having regard to the planning history of the site and the fact that a significant allowance for a shortfall in parking spaces to serve the office accommodation on the site has already been provided for. Furthermore, given the nature of the intended use as a medical surgery, it is a use likely to generate more visits by way of private car. In this context, I consider the car parking provision to serve the development to be insufficient, it would give rise to increased pressure for parking on roads in the vicinity of the site and set an undesirable precedent.

7.2.6 I also have concerns regarding the lack of a dedicated turning area within the proposed car park. It is stated by the applicant that there is adequate space for turning within the proposed car park, however, no auto track analysis has been provided to demonstrate this. I am not satisfied having regard to the restricted nature of the site, that the development would not result in an increased number of cars reversing from the site onto the public road and footpath, with consequent impacts in terms of traffic and pedestrian safety.

7.3 Impact on Existing Protected Structure

7.3.1 As noted above, the design of the proposed development was significantly modified on foot of an unsolicited additional information submission and now comprises of basement surgery/office accommodation. Notwithstanding the revised design, I have concerns regarding the development in terms of its potential impact on the protected structure. No. 1 Prince of Wales Terrace forms part of an important terrace of dwellings and is considered to be of Regional Importance in the National Inventory of Architectural Heritage. As detailed in the conservation report submitted with the observation by Maurice Joy at application stage, the east and west facing flanks of the Goldsmith and Prince of Wales terraces make a significant contribution to the streetscape of Wyndham Park, with the two facades having an almost identical treatment.

7.3.2 A particular feature of the western elevation of the property along Wyndham Park is the existing boundary treatment comprising the original cast iron railings (which are largely intact) and the clear separation between the principal protected structure and the mews to the rear and the open view to what was the rear garden of this property.

7.3.3 I acknowledge that the rear garden of the property has been somewhat compromised by the previous permissions granted on the site and is now primarily covered in gravel to accommodate 4 off street parking spaces. The proposed development, however, would compromise this arrangement further. The rear garden would be completely hard landscaped with a terrace area over the proposed basement surgery/offices and 4 off street parking spaces. An extensive cedar cladding fence is proposed to the rear of the existing cast iron railing, with further cladding proposed within the site to mask the metal barriers delineating the parking spaces and the guarding rail to the terrace. A series of subterranean voids and a

courtyard are proposed, each also bound by fencing. A new vehicle ramp is proposed from Wyndham Park, posing a further interruption to the existing boundary.

7.3.4 I consider that the proposed development will irrevocably alter the character and function of the rear amenity space serving this important protected structure, and in this context, will have an adverse impact on the character and setting of the curtilage of the structure. It would also have a negative impact on the streetscape. This is clearly in contravention of the guidance set out in section 13.5 of the Architectural Heritage Guidelines. The formal arrangement of the rear garden that would have existed between the protected structure and the rear mews will be lost and would make the future reinstatement of this garden area virtually impossible. I consider that the development would be contrary to one of the key conservation principles outlined in the Architectural Heritage Guidelines under section 7.12 regarding the reversibility of alterations.

7.4 Standard of Development

7.4.1 I also have significant concerns regarding the quality of the development as proposed. To provide natural light and ventilation to the basement accommodation, 2 narrow voids are proposed to the west and north of the site. Both of these voids have a width just slightly in excess of 2 metres. Having regard to the narrow width and length of these voids, I would have significant concerns regarding the amenity of the future accommodation to be provided. I would concur with the views of the observer that the development would generate a poor internal environment with inadequate light penetration to the proposed accommodation. In this context, I consider that development is substandard in design.

7.4.2 It is also noted that the development as proposed removes the functional open space serving the mews dwelling. The existing garden area to the front of the mews will be replaced with a metal railing, cedar fencing, car parking and a vehicle ramp. There is no appropriate access for occupants of the mews to the new terrace, resulting in a loss of amenity to this dwelling.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, an infill commercial development 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 refused permission for the reasons set out below.

9.0 Reasons and Considerations

1. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion. It is also considered that the traffic turning movements generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the protected structure status of no. 1 Prince of Wales Terrace, it is considered that the proposed works would, by virtue of their extent/nature/level of intervention, have a detrimental and irreversible impact on the essential qualities of the curtilage of this structure, thereby materially affecting its character. The development would also detract from the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the nature of the basement accommodation, the restricted character of the site and the limited scale of the voids designed to provide natural light to the accommodation, it is considered that the proposed development by reason of its design, would result in inadequate sunlight and daylight penetration to the proposed accommodation, would constitute a

substandard commercial development, result in a poor standard of amenity for future occupants of the development and would set an undesirable precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

27th June 2018