



An  
Bord  
Pleanála

## Inspector's Report ABP-302035-18

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<b>Development</b>	Development of new entrance onto Westminister Road and all landscape works at existing house.
<b>Location</b>	Hermitage, Hainault Road, Foxrock, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0363
<b>Applicant(s)</b>	Eamonn and Lorraine O'Reilly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party V Refuse
<b>Appellant(s)</b>	As above
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> September 2018
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Foxrock, Co Dublin.
- 1.2. The appeal property is a two-storey detached house which has road frontage onto both Westminister Road and Hainault Road.
- 1.3. The vehicular access serving the existing house is currently onto Hainault Road and the appeal site has a pedestrian access onto Westminister Road.
- 1.4. Westminister Road is one of mature suburban residential development characterised by large individually designed detached dwellings set within substantial mature gardens giving the area a strong sylvan character. The plot sizes and shapes are irregular.
- 1.5. Hainault Road is similar to Westminister Road although the sylvan character is not as dominant as Westminister Road.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for relocation of an existing entrance and blocking up established entrance gate.
- 2.2. The existing vehicular entrance is onto Hainault Road and it is proposed to block this entrance up.
- 2.3. The proposed vehicular entrance will face onto Westminister Road.

## 3.0 Planning Authority Decision

- 3.1. Dun Laoghaire County Council decided to **refuse** planning permission for the following reason;

1. The subject site is located within the Foxrock Architectural Conservation Area and Westminister Road is one of the principal roads within the Architectural Conservation Area. It is considered important to manage and retain the sylvan roadside character along this route where possible, in order to protect the setting and appreciation of the Architectural Conservation Area. The removal

of part of the sylvan hedgerow boundary to accommodate a vehicular entrance to a site which already has an adequate vehicular entrance off Hainault Road is considered contrary to the provisions of Policy AR 12 (ACA) of Dun Laoghaire Rathdown County Development Plan, 2016 – 2022, would adversely affect the Foxrock ACA, would set an undesirable precedent for future similar development and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

3.2.1. The main issues raised in the planner's report are as follows;

#### Area Planner

- L.A. Ref. 17A/0986 permitted a change to the house type. Permission granted that the main entrance would face northwards and the main living areas would face southwards.
- A previous application sought a vehicular access onto Westminister Road. However this was dropped following an additional information request.
- The Transportation Section has no objections to the proposed development.
- The Conservation Section reports that its preference is the status quo in order to protect the special character of the ACA which includes sylvan boundaries.
- The Conservation Statement submits that to permit the proposed development would incrementally create entrances in soft boundaries and have negative impacts on the ACA.
- Refusal recommended.

### **3.3. Internal Reports;**

- Transportation Planning; - No objections subject to conditions.

- Surface Water Drainage; - No objections subject to conditions.
- Conservation Section; - Refusal recommended. The proposed development would not accord with Policy AR12 of the County Development Plan and Section 8 of the Foxrock ACA.

### 3.4. Third Party Observations

- None

## 4.0 Planning History

- L.A. Ref. D15A/0394 – Permission **granted** for new house with new vehicular entrance onto Hainault Road. The existing house retained its vehicular entrance onto Hainault Road.
- L.A Ref. 17A/0986 – Permission **granted** for modifications and alterations to existing house to include new single storey extension.

## 5.0 Policy Context

### 5.1. Development Plan

The operational Development Plan is the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022.

- The appeal site is zoned Objective A '*to protect and-or improve residential amenity*'.
- The appeal site is located within the 'Foxrock Architectural Conservation Area'.
- Policy Objective AR12 'ACA' is relevant.

The following development management guidance set out in Chapter 8 is relevant;

- Section 8.2.11.3 ACAs (i) New Development within an ACA

## 6.0 The Appeal

6.1. The following is the summary of a first-party appeal submitted by Brazil Associates;

- The official address of Hermitage is Westminister Road and this is confirmed by a deed of conveyance.
- The original entrance serving the property was located at the corner of Westminister Road and Hainault Road. In the interest of traffic safety and a second entrance was created onto Hainault Road.
- The existing entrance (granite walls and piers) onto Hainault Road does not fit well onto the ACA.
- The property on the site has been reorientated to best suit the house.
- It is contended that the blocking up of the entrance onto Hainault Road will improve safety as the existing entrance is awkward with car parking on the opposite side of the road. This will improve traffic safety along Hainault Road.
- The Transportation Section have no objections to the proposed development. This essentially means that the proposed new entrance onto Westminister Road will meet all the relevant road design criteria.
- It is contended that the proposal will strengthen the sylvan character of the Foxrock ACA both on Westminister Road and Hainault Road.
- It is recommended that the entrance onto Westminister Road is redesigned to have a planted hedge recess to the gates rather than the 2.4m plastered masonry walls proposed.
- The provision of mature evergreen hedging will help reduce the impact on the ACA.
- The applicants are prepared to improve the sylvan character along Hainault Road by removing the existing stone and masonry wall along Hainault Road and reset a new semi-mature hedge.

- Revised drawings are submitted illustrating the revisions to the entrance onto Westminister Road and Hainault Road.
- The drainage planning section have no objections to the proposed development.

## 7.0 Responses

The local authority submitted a response stating that the grounds of appeal have not raised any new issues.

## 8.0 Assessment

The main issues for consideration are as follows;

- Principle of Development
- Architectural Heritage
- EIA Screening

### 8.1. Principle of Development

8.1.1. The appeal site is zoned Objective A *'to protect and-or improve residential amenity'*. The established use on the appeal site is residential.

8.1.2. Overall the principle of a proposed domestic vehicular entrance, is generally acceptable provided that the proposal would not diminish or have a detrimental impact on the architectural character of the local area.

### 8.2. Architectural Heritage

8.2.1. Westminister Road is characterised by a dense tree canopy with a mixture of soft boundaries consisting of mature trees and hedge species and hard edges consisting of stone and/or brick walls, piers and gates. The Foxrock Architectural Conservation Area refers to Westminister Road as a *'gently winding thoroughfare with a dense*

*tree canopy..... which provides a very coherent and pleasant rural character*'. It is evident from the Dun Laoghaire Rathdown County Council 'ACA Character Appraisal' for Foxrock that the notable sylvan character contributes to the special interest of the architectural character of Westminister Road.

- 8.2.2. The proposal before the Board includes the opening up of a soft boundary along Westminister Road to provide for a vehicular access. The Planning Authority refused permission and the applicant has submitted revised proposals for the Board's consideration. I would consider that the original proposal was more intrusive to Westminister Road as it included side walls to the proposed vehicular access. The walls were a height of 2.4 metres and comprised of rendered blockwork with brick capping. The overall scale of the original proposed intervention, including gate, piers and walls was 9.6 metres wide.
- 8.2.3. The revised proposal submitted to the Board omits the side walls and two piers. The revised proposal includes gates and a pier either side of the gates and the overall scale of the intervention is 4 metres in width which represents a 50% reduction in scale relative to the original proposal. The proposed development also includes the blocking up of the vehicular entrance onto Hainault Road which is located within the ACA. The blocking up of this entrance and replacing it with soft boundary treatment would significantly contribute to and improve the character and special interest of the ACA.
- 8.2.4. I would note the report by the Conservation Officer and in particular the comments that the proposed development and future developments, if allowed, would incrementally erode the special character and interest of the ACA. I would concur with this logic however having regard to the scale of the revised vehicular entrance and the nature of the soft boundary to be replaced I would consider that the proposal, as revised, would not significantly detract from the character of the Foxrock ACA or Westminister Road. Furthermore the blocking up of the existing entrance onto Hainault Road would be positive. I would conclude that the proposed development, as per revised drawings submitted to the Board, would not be contrary



to Policy Objective AR 12 'ACA' of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022.

### 8.3. **EIA Screening**

- 8.3.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## 9.0 **Recommendation**

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the zoning of the site as set out in the Dun Laoghaire Rathdown County Council, the pattern of development and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the amenities of the area, the architectural heritage of the area, would be acceptable in terms of traffic safety and would 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 plans and particulars received by An Bord Pleanála on the 9<sup>th</sup> day of July, 2018, 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. The proposed vehicular entrance shall be designed and constructed in accordance with the requirements of the planning authority. Details shall be agreed with the planning authority prior to the commencement of development.

**Reason:** In the interests of traffic safety.

3. 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 and to ensure a proper standard of development.

4. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

**Reason:** In the interest of amenities and public safety.

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Kenneth Moloney  
Planning Inspector  
3<sup>rd</sup> October 2018