



An
Bord
Pleanála

Inspector's Report ABP-303693-19.

Development	Change of use from office to studio apartment plus external balcony.
Location	Mount View, Church Road, Greystones County Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	18814.
Applicant(s)	O'Connor Whelan Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	As above.
Observer(s)	None.
Date of Site Inspection	1 st May 2019.
Inspector	Philip Davis.

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Development.....	4
4.0 Planning Authority Decision	4
4.1. Decision.....	4
4.2. Planning Authority Reports.....	4
4.3. Prescribed Bodies.....	5
4.4. Third Party Observations.....	5
5.0 Planning History.....	6
6.0 Policy Context.....	6
6.1. Development Plan.....	6
6.2. Environmental Impact Assessment.....	8
6.3. Natural Heritage Designations.....	8
7.0 The Appeal.....	8
7.1. Grounds of Appeal.....	8
7.2. Planning Authority Response	9
7.3. Observations	9
8.0 Assessment.....	9
9.0 Recommendation.....	12
10.0 Reasons and Considerations	12
11.0 Conditions	13

1.0 Introduction

This first party appeal relates to the proposed change of use in a development now under construction on the main street of Greystones. The development consists of a large 2-storey side extension to a 19th Century house (including refurbishment of the house) fronting the street for retail/restaurant and office use. The change of use is for the first-floor office to a single small apartment, in addition to the provision of a balcony. The planning authority refused permission because of visual impact on an Architectural Conservation Area.

2.0 Site Location and Description

2.1. Church Road, Greystones

Church Road (R762) in Greystones is the retail main street of the town. It is a conventional urban link road - single carriageway - with pavements either side and controlled on-street parking. The street appears to have been developed in the mid-19th Century in association with adjoining railway line – the area was farmland in the earliest OS map. At either end it is characterized by large dwellings and commercial buildings from a variety of periods starting from the mid 19th Century, with the commercial center extending generally north from the Greystones Dart Station. The street at this point is characterized by a number of 2-storey terraces with occasional individual single and 2-storey buildings, primarily dating from mid 19th to mid 20th Century. The commercial area extends north from the Dart station for about 350 metres, with a mix of banks, small service shops, restaurants and pubs, after which it is mostly characterized by detached 19th Century dwellings. The street is anchored by a SuperValu store in backlands west of the main thoroughfare. The appeal site is located on the north-east side of Church Road, more or less mid-way along the commercial heart of the area.

2.2. Appeal site

The appeal site, with a site area given as 0.0636 square hectares, is an irregularly shaped plot facing Church Road. It includes a mid-19th Century partially hipped roof two-storey 3-bay house known as Mount View, which is oriented at a 45 degree angle relative to the road, indicating that it pre-dates Church Road, although it is not

shown on the 1840's OS Plan (this house is not on the NIAH, although it is almost certainly the oldest building on Church Road). The site includes a recently constructed modern 2-storey commercial extension which follows the building line on Church Road.

3.0 Proposed Development

The proposed development is described on the site notices as follows:

The development will consist of: variations to the previously approved permission (Register Reference 17/421) to provide for a partial change of use of the previously approved office at first floor level in the previously approved two storey extension to a single bedroom studio apartment (40 sq m) including a balcony on the front elevation.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for one reason, which I would summarise is that it would be injurious to the architectural character of the Architectural Conservation Area and obtrusive by way of the design, location and finish of the proposed glazed balcony to the front façade.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports, the second following a submission of further information.

First report:

- The principle of the proposed change of use and alterations are considered acceptable having regard to the zoning designation.
- The small size of the studio apartment is considered to comply with required standards in published guidelines.

- The absence of parking for the apartment is considered acceptable having regard to the location.
- The concerns of the Heritage Officer about the impact of the glazed balcony to the front facade are noted – the planning officer agrees with these concerns.
- AA – no significant effects.
- Further information requested.

Second report:

- The response was a written one with an attached Historical Building Consultant report. It is stated that there would be no privacy issue as the closest window will be used as a restaurant, and opaque glass would be used. This is considered acceptable.
- In response to an argument that the proposed balcony is very small in scale and does not impact upon the overall rhythm of the streetscape, the planning report stated that this is not accepted, and the design is not considered appropriate.
- Refusal recommended.

4.2.2. Other Technical Reports

Heritage Officer – raised concerns about the impact of the proposed changes (note, no detailed report on file).

4.3. Prescribed Bodies

Irish Water: No objection subject to standard conditions.

4.4. Third Party Observations

None on file.

5.0 Planning History

The planning authority note five previous applications (and one appeal) on file, all to the same applicant, all within the last three years.

PL27.247420: Decision to refuse (**16/838**) upheld by the Board for a new 2-storey extension and the change of use to retail and offices. The stated reason was that the proposed development was considered out of character with the area.

17/421: Permission granted for a somewhat smaller version of the previous proposal, but with the same general elements.

17/1249: Permission granted for variations to the above, including a new takeaway service and elevational changes.

17/1249: Permission granted for a ground floor outdoor seating area in front of the permitted restaurant element.

18/320: Permission granted for a variation to 17/421 including partial change of use of the office to residential, including a velux rooflight.

6.0 Policy Context

6.1. Development Plan

Greystones is designated a level 3 'Large Growth Town' in the Wicklow County Development Plan 2016-2022. The area is zoned Town Centre (TC):

'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.'

The site is within the Church Road Architectural Conservation Area (one of five ACA's in Greystones), with policy HER12, which seeks to preserve the character of ACA's, in accordance with the details in Appendix B of the Plan. The designation

was originally set out in the Greystones-Delgany and Kilcoole LAP 2013-2019. Relevant ACA policies include BH18 and BH19.

BH18: *Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.*

BH19: *The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:*

- Proposals will only be considered where they positively enhance the character of the ACA.*
- The siting of new buildings should, where appropriate retain the existing street building line.*
- The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.*
- Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area should be retained where possible.*
- A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.*

- *The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.*
- *Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from the attributes of the ACA.*

The structure on the site is not a protected structure and is not on the NIAH.

6.2. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.3. Natural Heritage Designations

There are no Natura 2000 sites within Greystones or on the coast next to the town. The closest designated site is Bray Head SAC, about 2 km to the north of the site.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant provides a detailed overview of the planning history of the site. In response to the reason for refusal, it is submitted that:

- The proposed balcony is very minor in scale, with an area of just 4 square metres and is recessed between the older 'Mount View' building and the contemporary extension. It is argued that due to its small scale and position it cannot be considered intrusive. It is stated that the applicant is willing to accept a condition that requires an alternative material such as a pressed steel finish or railings.

- It is noted that while the planning report refers to the Heritage Office, there is no Heritage Officer report on file.
- It is argued that the assessment focused on the perceived impact without taking a more balanced overview of the application, which provides an additional living space within the town centre in line with development plan objectives.

7.2. **Planning Authority Response**

The planning authority did not respond to the grounds of appeal.

7.3. **Observations**

None

8.0 **Assessment**

Having inspected the site and reviewed the file documents I consider that the proposed development can be addressed under the following general headings:

- Principle of development
- Visual/heritage impacts
- Residential amenity
- Other issues
- Appropriate Assessment

8.1. **Principle of development**

The proposed development is part of an overall permitted mixed-use development in the commercial main street of Greystones. The site is zoned Town Centre and the principle of a residential 'above the shop' unit is in line with stated policy, and I consider these policies to be consistent and in line with national and regional policy and previous decisions (I note one refusal by the Board, for a significantly larger development). This site is also within a designated Architectural Conservation Area (ACA).

I would concur with the conclusion of the planning authority that the proposed development, including the change of use, is consistent with the zoning designation and other policies. I would further concur with the point made by the appellant that incorporating a small residential unit within the overall development is a significant positive step in achieving overall stated policy objectives for this type of town centre development, subject to normal planning considerations.

I would conclude that in all respects the proposed development is quite minor in scale and in line with the zoning designation and related policy objectives, so the only issue of note in this appeal is that of the visual impact in the context of the ACA designation.

8.2. Visual/heritage impacts

Church Road is a somewhat unusual urban Main Street in that it appears to have developed from scratch on green field lands in association with the railway station in the mid-19th Century, possibly replacing an older centre closer to the harbour within the original fishing village. The road seems to have largely developed from the mid to later 19th Century with a series of attractive individual dwellings, residential terraces (some of which have been converted to retail), with some more contemporary additions. The street has one mid sized anchor store but in retail terms is minor compared to more recent larger retail developments in the Greystones/Bray area further away from the core, but it is an attractive neighbourhood near to the town and features a number of well known restaurants and cafes, giving the area an attractive ambience. While there are no particularly outstanding buildings along the road, the overall street is a harmonious composition and an attractive urban environment and so deserving of its ACA designation.

The appeal site (Mount View House) was formerly a stand-alone period dwelling – I would consider from its style and from OS maps to date from around the 1840's, before most of the other buildings on the street. The house has been extended in what I would consider to be a well considered and attractive manner which ties it in with the overall building line while creating a small but attractive public frontage mini-plaza. I would consider it to be an overall significant improvement and amenity for this stretch of Church Road.

The core issue of this appeal is quite simple – the question as to whether the proposed balcony alteration is visually acceptable in the overall context. To a very large extent, this is a subjective judgement as the alteration is quite minor.

While I accept the point raised by the planning authority that a balcony at this point is somewhat incongruous next to an older structure, I note of course that this is not a protected structure, and the overall streetscape is composed of quite a complex mix of structures from the past century and a half and while it has a distinct rhythm and flow, there is no particularly coherent visual pattern. The street features many different finish materials, fenestration patterns, roof profiles, and so on.

I note that the balcony is at a 'bridging point' between the older building and the more contemporary extension. I would consider this important as this section should visually emphasise the distinction between two structures, and as such I would consider that there is more scope for a different visual finish than if the proposal was simply an add on to one of the two major elements of the overall development.

While I would acknowledge the planning authorities concern about the visual impact and the planning objective for protecting the ACA, I consider that the overall development is of a good quality and enhances this section of Church Road. I also note the argument submitted by the applicant that the planning authority did not fully take account of the benefits of providing residential use in this area and the need to improve residential amenity for future occupants.

In this context, and having particular regard to the benefits of incorporating a small apartment within this development, I would consider that the proposal is acceptable. I note the suggestion by the applicant that different materials could be used, if the Board is minded to set such a condition. I do not consider this necessary as I would consider the proposed frosted glass balcony to be contemporary and appropriate.

8.3. Residential amenity

The planning authority has noted that the proposed residential unit, while small, is acceptable within the context of national guidance on such units, particularly having regard to its very central and convenient location in the centre of the town, just a short walk from a Dart station and bus links. I would consider that the balcony would significantly improve internal amenities and would not significantly impact

upon other properties. I would consider that the change of use to residential is in accordance with policy guidelines and the overall design and layout is acceptable.

8.4. Other issues

I do not consider that the proposed development would have any other planning issues. The works are minor and will not have implications for flooding or traffic or water/drainable supply. It is accepted by the planning authority that as the apartment is small and central, there is no need for parking provision.

8.5. Appropriate Assessment

The works are minor in nature and do not have any impacts off-site and there are no pathways to any Natura 2000 site. The closest such designated site is several kilometres to the north, the Bray Head SAC – the site is not in hydraulic continuity with any part of that SAC.

Having regard therefore to the small scale of the works and the absence of any pathways to a designated habitat, 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.

9.0 Recommendation

I recommend that the proposed change of use and addition of a balcony be granted planning permission for the reasons and conditions set out below, subject to the conditions set out in section 11.

10.0 Reasons and Considerations

Having regard to Town Centre (TC) zoning designation of the area it is considered that the proposed change of use to allow for a single studio apartment is in accordance with the objectives of the Wicklow County Development Plan 2016-2022 and that the addition of a balcony would not be significant in the overall context of the development and so would not be visually incongruous in this designated Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. 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.

Philip Davis
Planning Inspector

4th July 2019