



An
Bord
Pleanála

Inspector's Report
ABP 303967-19

Development	Permission for alterations to the existing two storey protected structure and the construction of a part single, part two storey extensions to the side and rear of existing dwelling.
Location	Ardenza (Protected Structure), Torquay Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18A/1189.
Applicant	Albert & Mary Connaughton.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Albert & Mary Connaughton
Observers	None.

Date of Site Inspection

5th June 2019 & 13th June 2019

Inspector

Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site, with a stated area of c. 0.3014 hectares, is located along the eastern side of Torquay Road. Houses along Torquay Road are predominantly two storey of varying designs, styles and scale on large individual plots. Roadside boundary treatment varies from high to low stone walls with hedging. It is also within the Foxrock Architectural Conservation Area.
- 1.2 Ardenza is one of six houses built in the mid-nineteenth century towards the northern end of Torquay Road which form a distinctive group of houses. A detached three bay two-storey house on a F-shaped plan on single bay single storey gabled projecting porch to grounds floor abutting single bay full height gables projecting end bay; two bay (west) or single bay (east) two storey side elevations. It is set in landscaped grounds with rendered chamfered piers to perimeter having cut granite shallow pyramidal capping supporting crocketed cast iron gates.
- 1.3 Ardenza has been extend previously to the rear and while large in scale works are not visible from the public domain. The house has been vacant for a number of years and has fallen into a state of disrepair. It is bounded to the north by 'Glenarm' and to the south by 'Glenshee' both of which are protected structures and part of the grouping of the six houses, all of which are protected structures. To the rear (east) Ardenza is bounded by the amenity area of a house with Foxrock Golf Club further to the east.
- 1.4 The existing vehicular entrance off Torquay Road is narrow with the original gates. A new entrance is proposed as part of the current application.

2.0 Proposed Development:

The existing house has a gfa of c.288.5 sq.m on a site with a stated site area of c. 0.3014hectares, c. 221.4sq.m of extensions are proposed.

Permission is being sought for alterations to the existing two storey protected structure and the construction of a part single, part two storey extensions to the side and rear of existing dwelling.

Works to the existing structures consist of:

- Demolition of all non-original sheds and extensions to the south east of the dwelling.
- Creation of a new main hall entrance to the north west with a new pitched roof entrance porch.
- Restoration and alterations to exiting roof, providing connection with new roof.
- Refurbishment, where required, and repainting of the external render, quoins, windows and internal joinery.
- Removal of existing ground floor to allow for under floor heating throughout the new and existing.
- Internally insulate all existing external walls.
- Other minor internal alterations.

The elements of the new, proposed, structure are:

- Construction of a two storey pitched roof extension to the north west side of the existing dwelling with dormer windows.
- Construction of a part single, part two storey pitched roof extensions to the south and north east of the existing dwelling with roof lights and bay windows.

Other proposed works include:

- Block up existing vehicular entrance and relocate a new vehicular entrance to the westerly corner of the site onto Torquay Road.
- Landscaping.
- SUDs drainage.
- All ancillary works to facilitate the development.

Documentation included with the application:

- Report on Drainage.
- Architectural heritage Impact Assessment.
- 3D images.

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for the following reason:

1. *The subject site is a protected structure located between two other protected structures within the Foxrock Architectural Conservation Area (ACA). The proposed extensions would visually detract from the architectural character and significance of the original protected structure and negatively impact the Foxrock ACA by disrupting the unity of the group of protected structures, of which it (Ardenza) forms an important part of and hence materially affect a protected structure. The extent of development and pastiche design of the extensions is considered inappropriate and not be in accordance with good conservation practice, as it would undermine the architectural interest, significance and appreciation of the protected structure and would be injurious to the architectural integrity of the ACA. It is considered that the development would contravene the provisions of policy AR12, section 8.2.11.2(i) (works to a Protected Structure) and section 8.2.11.3(i) (New development within an ACA) of the County*

Development Plan 2016-2022 and the Foxrock Conservation Area Character Appraisal and would therefore adversely affect the Foxrock ACA and the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Report (19th February 2019)

The Planner's Report forms the basis for the Planning Authority's decision.

The main issues are summarised as follows:

- In principle the site could accommodate an extension to Ardenza without impacting on the residential amenities of the directly adjoining dwellings.
- The proposed extensions are considered overly dominant, prominently positioned and not subordinate to the main house. The pastiche design is not acceptable.
- Section 8.2.11.2 sets out that extensions to protected structures should be of their time so as not to confuse the historical record of the existing building. The proposed extensions with their replica detailing of period features is not considered good conservation practice or of its time.
- A complete redesign by way of further information was not considered possible.
- A tree survey is also required.

Appropriate Assessment Screening Report (8th January 2019) concluded that a Stage 2 AA was not required.

3.2.2 Other Technical Reports

Conservation Division (31st January 2019). This Division was opposed to the proposed development and its recommendations are reflected in the reason for refusal issued by the Planning Authority. The Conservation Division noted that revised design could be required by further information if the case officer deemed it appropriate.

The main issues can be summarised as follows:

- No objection in principle of the development but object to the design approach taken.
- No major building concerns regarding the internal modifications proposed, they are not considered to significantly alter or negatively impact on the internal layout and floor plan of the protected structure. Further details would be required relating to the internal insulation. No concerns regarding the modifications proposed to the roadside boundary, including the provision of a new vehicular entrance.
- The scale of the development and its architectural language are not acceptable. The extension cannot be considered subsidiary. New development should be subservient with Ardenza remaining visually dominant. The extension should be clearly legible as new additions and should not confuse or detract from the rich architectural heritage of the ACA.
- The resultant development would render the building inconsistent with its neighbouring protected structures which share a similar composition and form. This would have an adverse impact on the character and appearance of Foxrock Architectural Conservation Area.

Drainage Section (21st January 2019). No Objection.

Transportation Planning (13th February 2019). No Objection.

3.3 Third Party Observations

None.

4.0 Planning History

None as per the Council's planning register.

5.0 Policy & Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

- Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

Built Heritage

Section 6.1.3 refers to the county's architectural heritage.

Policy AR1 refers to the Record of Protected Structures and sets out the scope of their protected status.

Policy AR7 refers to the need to improve the energy efficiency of Protected Structures provided that the retrofitting of energy efficiency measures does not harm or compromise the special interest of the Protected Structure.

Policy AR8 refers to development of nineteenth and twentieth century buildings, estates and features and the need to ensure their character is not compromised and to encourage the retention of features that contribute to their character such as roofscapes and boundary treatments.

Section 6.1.4 Architectural Conservation Areas (ACA) refers to development within Architectural Conservation Areas. **Policy AR12** refers to the criteria for appropriate development within the ACA, and that proposals shall be considered in relation to a range of criteria, including seeking a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.

Appendix 4 includes the Record of Protected Structures & Architectural Conservation Areas. The Record of Protected Structures does not define the curtilage for the Protected Structures at The Laurels.

The structures of most relevance in this instance are those immediately adjoining the application site:

- Ardenza (RPS No.1612)
- Ardenza located between two protected structures, Glenarm (Ref. No. 1606) and Glenshee (Ref. No.1614).

The site is located within the **Foxrock Architectural Conservation Area**.

Relevant Architectural Heritage Development Management Standards:

Section 8.2.11.2 (i) refers to development management standards for works to protected structures. In particular, the need to ensure that the highest conservation standards are adhered to and that alterations and extensions should not detract from their significance or value. Extensions should complement and be subsidiary to the main structure and positioned to the rear or a less prominent elevation.

Section 8.2.11.2 (iii) refers to development management standards for development within proximity to a protected structure and the requirement to protect its setting and amenity.

Section 8.2.11.3 (i) refers to development management standards for new development within Architectural Conservation Areas which should take account of their context without imitating earlier styles and where appropriate, contemporary design is encouraged that is complementary and sympathetic to the surrounding context and scale.

General Development Management Standards:

Section 8.2.3.4 (i) refers to extensions to dwellings and that such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

The **Character Appraisal for the Foxrock Conservation Area** notes the following key points:

- The boundary of the ACA is informed with reference to the historical development of the area as a Garden Suburb in the late 19th century.

- The development of the suburb commenced in 1859 with the construction of a number of villa residences and large dwellings, many designed by prominent architects.

With regard to Torquay Road, it notes that the most distinctive houses comprise a group of 6 detached dwellings located towards the northern end.

Appendix 13 Strategic Flood Risk Assessment

Map 6.

The site is located c.150m northeast of an identified 'flooding hotspot' (surface water)

Pluvial Flooding - Usually associated with convective summer thunderstorms or high intensity rainfall cells within longer duration events, pluvial flooding is a result of rainfall-generated overland flows which arise before run-off enters any watercourse or sewer. The intensity of rainfall can be such that the run-off totally overwhelms surface water and underground drainage systems.

Section 3.3.4 noted that for development within or near these areas, particular attention to surface water risk is required and Drainage Impact Assessments should be required for all development proposals.

5.2 Guidelines

Architectural Heritage Protection Guidelines 2011 (DAHG)

Section 3.10 refers to guidance and general criteria for assessing proposals within Architectural Conservation Areas. This sets out that generally it is preferable to minimise the visual impact of the proposed structure on its setting. However, where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.

Section 6.8.1 refers to the requirement to assess how the cumulative effect of even minor additions can compromise the special interest of a protected structure and the character of an ACA.

Section 6.8.2 refers to the need to protect protected structures, in particular their elevations from new extensions by ensuring that, where permitted, they do not obscure, damage or destroy important features of the protected structure.

Section 6.8.3 notes that in general attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. It sets out that extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the value of the present time.

Chapter 7 relates to Conservation Principles

Project Ireland 2040 - National Planning Framework 2018 (DHPLG)

Objective 57 seeks to ensure that flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with the Flood Risk Management Guidelines for Planning Authorities. And integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDs), non-porous surfacing and green roofs, to create safe places.

The Planning System and Flood Risk Management. Guidelines for Planning Authorities 2009 (OPW).

5.3 Natural Heritage Designations

None of relevance.

5.4 EIA Screening

Having regard to the nature and scale of the development which consists of extensions and alterations to an existing dwelling (protected structure) in a built up suburban area there is no 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.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reason for refusal of permission and can be summarised as follows:

- No observations or objections were received.
- The Transportation Department and the Drainage Department have no objection to the proposal.
- The main concerns raised by the case officer and the Conservation Division relate to the scale and architectural language of the proposed extension. No objection was raised to the internal modifications or the demolition works.
- The applicant is of the view that minor changes to the design and adopting alternative materials could easily make the new extension distinguishable from the protected structure.
- The design approach used by the applicants reflects the language and design of the existing prospected structures as extensions

and alterations on other dwellings which form part of the group of six protected structures have adopted this approach. Reference to PA Ref. No. D08B/0597 for extensions to Myrtle Lodge as an example.

- The proposed extensions are set back from the main house and are subservient.
- Materials can be selected in a manner that clearly distinguishes the extension from the protected structure such as render colour, window design, roof covering and details, all of which could be dealt with by condition of the Board considers granting permission.

6.2 Planning Authority Response

The Board is referred to the original Planner's report on file as no new matters were raised in the appeal to warrant further comment.

6.3 Observations

None.

6.4 Prescribed Bodies

The appeal was referred to the Department of Arts, Culture and the Gaeltacht. No response received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Architectural Heritage.

- Appropriate Assessment.

7.1 Design & Architectural Heritage

- 7.1.1 The 'Architectural Heritage Guidelines for Planning Authorities' and Sections 8.2.11.2 and 8.2.11.3 of the Development Plan set out a number of key principles when considering development within Architectural Conservation Areas and works to Protected Structures.
- 7.1.2 Ardenza is a two storey detached dwelling, dating from the mid nineteenth century, which has a large flat roofed two storey extension to the rear. It is located within a designated Architectural Conservation Area and is a Protected Structure. The site is bounded by two Protected Structures, Glenarm (Ref. No. 1606) and Glenshee (Ref. No. 1614).
- 7.1.3 Section 8.2.3.11 (i) of the Development Plan notes that appropriate contemporary design approaches are encouraged within ACAs and new developments should be 'of their time'. The Councils Conservation Division concluded that the development, by nature of its architectural style, external expression and form strongly reflected the existing architecture of the parent building and failed to read as a later addition. I note that section 8.2.11.3 (i) reference to an avoidance of 'pastiche' does not preclude traditional design approaches within ACAs. The Case Officer and Conservation Officer concluded that the proposed architectural language, in addition to the scale and bulk of the extension, would result in a dwelling that would not enhance or enrich the Foxrock Architectural Conservation Area and could potentially confuse the historical narrative of this distinctive area.
- 7.1.4 Torquay Road is predominantly characterised by large detached residences dating from the mid nineteenth century with later twentieth

century and recent infill developments predominantly reflecting the traditional style of the area. In this instance, the proposal, involving the refurbishment and extension of an existing dwelling, would result in a dwelling where the design is consistent throughout while using finishes and materials to distinguish the new from the old. The proposal is further illustrated in the 3D images submitted with the application. I am satisfied that this design approach extends the original house in a sympathetic manner which is reflective of the approach taken when extending Myrtle Lodge, to the north.

7.1.5 I consider that the net impact of the extension within the site to be acceptable due to its design, scale and context. In my view the use of different roof profiles and setbacks reduces the overall bulk of the proposed house and is subservient to the original structure. I am satisfied that the proposal can be assimilated into the site and that the cumulative impact of the existing and proposed development, including the opening of a new vehicular entrance, alterations to the roadside boundary and the reuse of the original gates, would not confuse the historical narrative or compromise the special character of Foxrock Architectural Conservation Area. I, therefore, consider that the proposed development complies with Section 8.2.11.3(i) of the Development Plan and the guidance as set out in the Architectural Heritage Protection Guidelines.

7.1.6 In my view, taking into account the orientation and location of the main body of the proposed extensions, which in part replace a large two storey flat roof extension of no architectural merit, retain the original form of Ardenza as the central focus addressing Torquay Road. I do not consider that the proposed works would have a negative impact on the architectural significance or integrity of Ardenza. Existing boundary

treatment and screening along the northern and southern boundaries can be augmented by condition if considered appropriate by the Board. In my view the proposal would not be visually overbearing or obtrusive when viewed from the adjacent protected structures, Glenarm (Ref. No. 1606) and Glenshee (Ref. No. 1614). The proposed development is satisfactory in terms of protecting the character, setting and amenities of the adjoining protected structures. I am satisfied that the proposal complies with Section 8.2.11.2 (iii) of the Plan.

7.1.7 Section 8.2.3.4 (i) of the Development Plan refers to the general development management standards for domestic extensions. As noted in section 7.1.6, above the visual impact of the proposal is further reduced through the use of different roof profiles and setbacks. The proposed development reflects the architectural grain and pattern of development in the area. I am satisfied that the design and scale of the proposal would not be overbearing, visually obtrusive or incongruous at this location. Overlooking and overshadowing are not material considerations. I consider, therefore, that the proposal complies with Sections 8.2.3.4 (i) of the Development Plan.

7.1.8 The Council's Conservation Officer raised concerns that the scale and architectural language of the extension would undermine its architectural significance and integrity of Ardenza. It is my considered opinion that the proposal is a well thought out design solution in a style that complements the existing structure, the use of high quality materials and finishes can be dealt with by condition. The extension, in part replaces a later addition to the protected structure which is of no architectural merit. I am satisfied that there is no loss of historic fabric and that the important features of Ardenza are not obscured, damaged or destroyed. Therefore, the

proposal complies with Sections 8.2.11.2 of the Development Plan and the guidance set out in the Architectural Heritage Protection Guidelines.

7.1.9 Policy AR7 of the County Development Plan refers to the need to improve the energy efficiency of Protected Structures provided that the retrofitting of energy efficiency measures does not harm or compromise the special interest of the Protected Structure. The Conservation Division noted that additional information/details would be required regarding the proposed internal insulation. I am satisfied that, subject to the appointment of a conservation architect to oversee the project and detailed specification for the internal insulation to be submitted, the matter could be adequately addressed by condition if the Board is of a mind to grant permission.

7.1.10 I note that the site is located in an area susceptible to flooding and that Ardenza has been flooded on a number of occasions. The case officer nor the Drainage Section raised this as an issue. The current proposal is for an extension to an existing dwelling and not an additional dwelling. I consider that this matter could be addressed by condition of the Board considers granting permission.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

I recommend that permission be granted for the proposed development for the reasons and considerations set out below

9.0 Reasons and Considerations

Having regard to the context of the site along Torquay Road, its boundary treatment, to the existing and permitted development and to the design, scale and bulk of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed extensions and alterations would integrate successfully with the existing house on the site, would not detract from the character and setting of Ardenza, a protected structure, would not detract from the special character of Foxrock Architectural Conservation Area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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. Prior to the commencement of development the following shall be submitted for the written agreement of the planning authority:

- (a) Details of the appointment of a conservation architect, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) Revised Plans and particulars, specifications and methodology for the external insulation work and an outline work programme shall be prepared and approved by the developer's team of specialists and submitted to the Planning Authority prior to the commencement of development.
- (c) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. Samples of the proposed external finishes and materials 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 Foxrock Architectural Conservation Area.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension and in the interest of residential amenity

5. Prior to the commencement of development a tree survey and arborist report shall be prepared. A comprehensive landscaping scheme, based on the arborist recommendations, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- a) All identified trees to be retained along the site boundaries shall be fenced off and protected during the construction of the development and shall be retained thereafter.
- b) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings;
- c) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme

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

6. Water supply and drainage arrangements, including 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.

7. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall 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 property in the vicinity.

8. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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

26th June 2019