



An
Bord
Pleanála

Inspector's Report ABP 304844-19

Development	Variations to previously approved permission plan ref. 17/985 for extensions and alterations now including a second floor and terrace and all associated works.
Location	Cliff Cottage, Rathdown Lower, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	19/427.
Applicant	Peshawar Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Peshawar Limited.
Observers	None.
Date of Site Inspection	26 th September 2019.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site, with a stated area of c 0.030hectares, is located along the Cliff Road in Greystones, Co. Wicklow. The immediate area has a varied character with the design and scale of houses ranging from single to two storey houses, from traditional cottages to infill developments from various periods. The site is located within Greystones Harbour Architectural Conservation Area.
- 1.2 Cliff Cottage is a detached single cottage occupying a corner site at the junction of the Sidmonton Road and Cliff Road. It fronts onto and is accessed off Cliff Road, which continues to Marine Road, where the roadside boundary consists of high wall and solid timber gates. To the south, hoarding forms the boundary with the site of the now demolished Cliff bungalow and the former La Touche Hotel. Extensive building works have taken place on the adjoining site since the last application before the Board in 2018 with the majority of the development under construction with the shell of the Hotel retained. The roadside boundary (north) along Sidmonton Road consists of a high wall and the gable of Cliff Cottage. Greystones promenade runs along Cliff Road opposite the site where there is a small cove and beach at the lower level.

2.0 Proposed Development:

The existing single storey cottage has a gfa of c 90 sq.m on a site with a stated area of c.0.030 hectares.

Permission was granted in 2018 for a c.160 sq.m contemporary extension is proposed, resulting in a two storey house with an overall gfa of c. 250 sq.m.

The current proposal is for alterations and amendments to the permitted extension and includes a proposed two storey extension, resulting in an additional c. 27sq.m of gross floor space to that already permitted. An external terrace is also proposed.

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for the following reasons:

- 1. Having regard to the design, scale and form of the proposed extensions and alterations, it is considered that the proposed extensions and alterations, in combination with the development permitted under PRR17/985 would dominate and be out of character with the existing cottage which is to be retained. The overall development would seriously injure the visual amenities of the area and would adversely affect the character of Greystones Harbour Architectural Conservation Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The amenity of the rear residential property would be adversely affected by a significant level of perceived overlooking resulting from the proposed glazing to the first floor western elevation of the lounge. The proposed development would seriously injure the amenity of the adjoining property and the development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2 Planning Authority Reports

3.2.1 Planning Report

This formed the basis of the planning authority's decision. The main issues noted are as follows:

The Area Planner noted that fixed obscure glazing was proposed to the western elevation serving the first floor lounge. Concerns were raised relating to perceived overlooking of the terrace serving the adjoining house to the west and that this matter could be addressed by condition or FI.

The extension would not have an unacceptable overbearing impact on the adjoining property to the west.

The proposal would increase the height of the extension from 5.8m (permitted) to 8.2m with the existing cottage having a height of 4m. This is considered excessive and would dominate in terms of height and scale. The proposed extension would be higher and forward of the existing cottage. It is contrary to the basic design principle set out in the WCC design guide where extensions should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure.

The Area Planner acknowledged that the overall development in terms of contemporary design, height and mass is broadly similar to the adjoining La Touche development. However the proposal would result in a development that is no longer sympathetic to the character of the building and therefore would have an adverse impact on the character of the existing cottage and on the visual amenity of the area.

3.2.2 Other Technical Reports

None.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. 17/985 (An Bord Pleanála Reference No. 301408-18) refers to a 2018 grant of permission for extension and alterations, including new first floor living area and all associated works to existing house.

In the immediate Vicinity:

Sidmonton Road:

Property adjoining Cliff Cottage to the west (2 semi-detached houses, South Cliff and Sandy Cove):

Planning Authority Reference No. 11/4147 refers to the 2011 grant of permission for alterations and extensions to existing cottage (South Cliff) and the construction of a new house (SandyCove).

Planning Authority Reference No. 04/1352 & 05/3842 refers to refusals of permission for the redevelopment of South Cliff.

St. Columbs:

To the North of SandyCove, along Sidmonton Road

Planning Authority Reference No. 17/858 refers to a 2018 grant of permission for extensions and renovations to include first floor living area with open space area, revised and extended car port.

Planning Authority Reference No. 16/1359 refers to a 2017 grant of permission for 2 no. semi-detached dormer dwellings. Currently under construction on the opposite side of the road to the northwest of Cliff Cottage.

Former La Touche Hotel Site along Cliff Road:

Planning Authority Reference No. 15/114 (An Bord Pleanála Reference No. PL.27.245501) refers to a 2016 grant of permission for a residential scheme of 26 dwellings with the retained shell of the former La Touche building. Retail units. Carparking and revised access off public road. The site is surrounded by hoarding. Demolition and site clearance works have taken place.

5.0 Policy Context

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

Architectural Conservation Areas

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

- *Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs*
- *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.

Map b Heritage Map Greystones-Delgany and Kilcoole (Church Road ACA).

Prospect:

P1 The prospect seaward from Marine Road, Greystones.

Views:

V3 view seaward from Cliff Road.

V6 view from Cliff Road windgates of Coast Road and Bray Head.

5.2 Wicklow County Development Plan 2016-2022

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

Objective HD9 provides that home improvements, alterations and extensions shall be in accordance with the principles of good design and protection of existing residential amenity will normally be permitted. New developments shall have regard to the protection of the residential architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building form), to provide visual diversity.

Appendix 1. General Development and Design Standards:

House Extensions

- Extensions shall be sensitive to the existing dwelling.
- Shall not provide for new overlooking of the private area of adjacent residences.
- It shall not increase overlooking possibilities.

- Should not overshadow adjacent dwellings.
- While the form, size and appearance of an extension should complement the area, unless the area has an established or unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

Prospect:

No. 6 Bray to Greystones Cliff walk.

5.3 Architectural Heritage Protection: Guidelines for Panning 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.

5.4 Natural Heritage Designations

The nearest European sites are:

- Bray Head SAC (site code 000714) is c. 1.2km to the north of the site.

- Glen of the Downs SAC (site code 000719) is c. 3.4km to the west of the site.
- The Murrough Wetlands SAC (site code 002249) is c. 4km to the south of the site.

5.5 EIA Screening

Having regard to the nature and scale the development which consists of the construction of a domestic extension in fully serviced urban area, 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.

6.0 The Appeal

6.1 Grounds of Appeal

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

- The principle of a contemporary extension to Cliff Cottage was approved by An Bord Pleanala.
- The purpose of the revised design is to address deficiencies in the original design and to respond to the scale of the adjoining development to the south, to clearly differentiate between the existing cottage and the new extended area by creating a 'bookend' structure/block to the south and create a more interesting design with additional spaces that would take advantage of the location.

The grounds of appeal address each reason for refusal as follows:

Reason No. 1:

- The guidance set out in the WCC design guidelines cannot be applied universally to all sites. The decision by An Bord Pleanála should have freed WCC from the constraints set out in their design guide where a more appropriate architectural design solution is required.
- The current proposal addresses the shortcomings of the previous permitted extension and responds to the context in terms of scale with the adjoining development and in terms of exploiting the unique aspect the site enjoys.
- WCC have acknowledged that the proposal would not have an overbearing impact in adjoining properties and that overshadowing is not a concern.

Reason No. 2

- The purpose of the window is to allow some western light into the lounge and soften the elevation. However the applicants have no objection to either omitting any glass from this elevation or restricting glass to a sill height of not less than 1800mm from the relevant floor level. This matter could be addressed by condition.

The appeal documentation included:

- 3D images of proposed development
- 3D images of the permitted development.
- Samples of projects carried out by the Architect.
- Copy of WCC Planning Report.

6.2 Planning Authority Response

None.

6.3 Observations

None.

Assessment

- 7.0.1 Permission was granted in 2018 under ABP 301408 -18 for a contemporary style extension and alterations to the existing cottage.
- 7.0.2 The principle of a contemporary style extension and the impact on adjoining properties would have been the subject of consideration by the Board as recent as 2018. The current proposal is for alterations to the permitted extension and consist of a two storey element to the southern side of the existing cottage and an external terrace facing east off the proposed lounge. The grounds of appeal seek to address the reasons for refusal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues are:
- Design and Impact on adjoining properties.
 - Appropriate Assessment.

7.1 Design and Impact on adjoining properties

- 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 Architectural Conservation Area does not preclude a modern approach to design as this clearly differentiates the historical buildings from the newer. 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 Cliff Cottage is prominent along the Cliff Road which is within the Greystones Harbour Architectural Conservation Area and any design, therefore, should respect the character of this area while also facilitating

more contemporary architectural approaches to design. It is not recorded as a Protected Structure or included in the NIAH Architectural Inventory of Ireland.

- 7.1.3 The principle of a contemporary style extension to Cliff Cottage was assessed and considered acceptable under ABP Ref. No. 301408-18. The proposal before the Board is for alterations to the permitted extension and consists of a two storey element to the southern side of Cliff Cottage.
- 7.1.4 Cliff Road and Sidmonton Road is an area in transition which is undergoing extensive redevelopment. Immediately to the south on the site of the former Cliff bungalow and La Touche Hotel permission was granted in 2016 for a contemporary style development. This includes residential units bounding Cliff Cottage. The redevelopment of sites and infill developments along Sidmonton Road to the north of Cliff Cottage in contrast, is characterised by a variety of designs and scales with the most recent interventions favouring a more traditional approach to design. 3D drawings have been submitted showing the proposed extension and that permitted in 2018, showing the relationship of the proposals with some of the existing built environment.
- 7.1.5 As set out in the report for ABP 301409-18, the use of glazing is common design practice when extending older structures in a sensitive manner. They assist in integrating the old and the new, while at the same time clearly distinguishing different architectural styles or periods. The current proposal before the Board is for a logical, incremental increase in the treatment of the proposed extension to the side of Cliff Cottage. I consider in this instance the provision of a two storey element to the southern side of the existing cottage which adjoins the flank wall of the development under construction to the south offers an appropriate

transition between the contemporary development under construction to the south and Cliff Cottage. The juxtaposition of the different design elements and styles reads as two opposing elements when judged in the context of the cottage alone. However when viewed in the context of the site and its relationship with the adjoining properties, it reads as an appropriate transition in terms of both scale and styles between the development under construction to the south and Cliff Cottage and adjoining properties along Sidmonton Road.

7.1.6 In my view, the use of high quality materials and finishes and a contemporary design offers an opportunity for an aesthetically pleasing development at this location. The quality of the materials and finishes are intrinsic to the delivery the proposed design at this prominent coastal location. Notwithstanding that the application lacks detailed information in relation to finishes and materials. I am satisfied that this matter could be dealt with by condition if the Board consider granting permission.

7.1.7 The changing character of Cliff Road and Sidmonton Road can, in my opinion, assimilate different design approaches without having a detrimental impact on the overall character of the area. Given the coastal location and the existing pattern of development in the vicinity, I am of the opinion that proposed alterations to the permitted development represents a well considered design approach that reasonably addresses the sensitives of the Greystones Harbour Architectural Conservation Area. The development would not be out of character with the existing pattern of development in the area. The proposal would enhance the architectural grain of the area and facilitate a contemporary design which would be a welcomed addition at this location within the Greystones Harbour Architectural Conservation Area. The proposed development, in my view, would not be injurious to the character of the

Greystones Harbour Architectural Conservation Area or contrary to objective HER12.

7.1.8 The planning authority's second reason is on the premise that the amenity to the rear of the adjoining residential property to the west would be adversely affected by a significant level of perceived overlooking resulting from the proposed glazing to the first floor western elevation of the lounge. The use of fixed obscure glazing is common practice to address potential overlooking in confined sites in urban areas. I note that the applicants have indicated that they have no objection to a condition requiring the omission of all glazing to the western elevation or restricting the glazing to a cill height of no more than 1800mm above the relevant floor level. The issue of 'perceived' overlooking is the premise for the planning authority's reason for refusal. I note that the adjoining property to the west have not lodged an objection to the proposed development. I am satisfied that the original proposal using fixed obscure glazing addresses the issues of overlooking from the first floor western elevation window.

7.1.9 I consider that the development would be appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining properties. The proposed development would not detract from the residential amenities of adjoining properties. Overshadowing of adjoining properties are not considered material having regard to the orientation and relationship of the properties.

7.1.10 I, therefore, consider that the appeal should be upheld and permission should be granted.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature and scale of the proposed development and the location of the site in a fully serviced urban 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 seriously injure the amenities of properties in the vicinity and would not detract from the character of Greystones Harbour 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. Apart from any departures specifically authorised by this permission, the development shall be retained and completed in accordance with the terms and conditions of the permission granted on the 13th day of August 2018 under An Bord Pleanála Reference Number ABP 301408-18 (Planning Authority Reference Number 17/985) and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. 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.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed development 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 Greystones Harbour 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 in the interest of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. 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.

7. 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.

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, 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
7th October 2019