



An
Bord
Pleanála

Inspector's Report ABP-305010-19

Development

Amendments to previous permission granted under appeal reference number PL27.249185 by adding an additional floor containing 10 apartments with balconies increasing size of basement by 180 sq.m containing an additional 5 car park spaces and storage.

Location

Ulysses, Montebello Terrace , 58 - 59
Strand Road, Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19521

Applicant(s)

McEleney Homes

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

McEleney Homes

Observer(s)

Angela Quinlan & Zsolt Gercsi

Date of Site Inspection

24th October 2019

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 0.3113 hectares is located at Strand Road, Bray, Co. Wicklow. Strand Road runs parallel the Bray esplanade. The northern section of the site contains no. 58 Montebello Terrace a two-storey semi-detached building. The main area of the site has been cleared of previous development and it is surrounding by security hoardings.
- 1.2. No. 58 Montebello Terrace contains Ulysses Guest House. The building is currently providing residential accommodation. The original building has been extended with a two-storey flat roofed extension to the rear. There is a single storey shed/outbuilding in rear garden which adjoins the western boundary.
- 1.3. The Dublin-Wexford/DART railway line is located to the west of the site. The boundary is defined by a 2.5m stone wall constructed over a retaining wall circa 1.5m in height. Victoria Avenue bounds the site to the south. Seafield House and cottage adjoins the site to the south-west. Seafield House is a three-storey detached dwelling and Seafield cottage is single storey.
- 1.4. Along this section of Strand Road there is a mix of developments of varying styles, heights and materials. Buildings to the north and south along Strand Road are in residential and commercial use.

2.0 Proposed Development

- 2.1. Permission is sought for an amendment to a previously permitted development, ref no. PL27.249185 by adding an additional floor containing 10 no. apartments, consisting of 8 no. 2 bed , 1 no. 1 bed and 1 no. 3 bed with balconies and increasing the size of the basement by 180sqm with the addition 5 no. car parking spaces and storage. The proposal will increase the overall number of apartment from 39 to 49, consisting of 36 no. 2 bed units, 6 no. 1 bed units and 7 no. 3 bed units, basement

car parking from 47 to 52 and the height of the proposed building from 4 storey part 5 storey to 5 storey to part 6 storey with terraces and roof garden all with permitted 2 no. retail units, 17 no surface car parking spaces with landscaped areas and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

1. Having regard to the:

i. The location of the development, centrally along the Seafront in Bray, which has retained its Victorian character.

ii. The amendments proposed under this application.

iii. The zoning objective for Bray Seafront as set out in the Bray Municipal District Local Area Plan 2018, which seeks to protect and enhance the character of the seafront area, and where proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.

iv. Protected views towards Strand Road as set out in the Bray Municipal District Local Area Plan 2018.

It is considered that the development will, by virtue of its increased scale, be disproportionate relative to adjoining development, would have a negative dominant impact on the visual setting of this Victorian seafront and would seriously injure views listed for protection, would be excessive in terms of intensity at this point, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Bray Municipal District Local Area Plan 2018 which seeks to protect this area from inappropriate development, and to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (27/06/19): The proposed increase in scale over the permitted development was considered to have visually dominant impact along the Seafront and an adverse impact on the visual amenities of the area. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Roads Department (31/05/19): No comments.

Irish Water (08/06/19): No objection.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 10 submission were received, the issues raised were as follows...

- Excessive height, out of character at this location and having an adverse visual impact.
- Inadequate level of parking provided and inadequate parking along the seafront to cater for additional traffic.
- Height would be contrary Local Area Plan policy.
- Inappropriate form of development alongside existing Victorian structures characterising the seafront.
- Overlooking and overshadowing of adjoining properties.
- Other permitted developments in the area were restricted in height.

4.0 Planning History

- 4.1 PL27.249185 (16/1402): Permission granted for change of use to house, demolition of extensions, sheds and porch, construction of 43 apartments, basement with 47 car park spaces and storage, 2 retail units, 17 surface car park spaces.
- 4.2 PL39.215339 (05/227): Permission granted for a mixed use development consisting of retail unit and 41 apartments.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Bray Municipal District Local Area Plan 2018-2024. The site is zoned SF, Bray Seafront with a stated objective 'to provide for the development and improvement of appropriate seafront uses'.

The description under this zoning is as follows...

To protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.

Section 7.1 Seafront and Esplanade

In the SF zoned 'Seafront' area, a proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.

In the SF zone, the following objectives shall apply:

- The design of new buildings shall draw reference from and complement the historic Victorian style of the seafront; all applications shall be accompanied by a 'design statement' setting out how consideration of the historic character and style

influenced the design of the development and how it complements and enhances the area;

- Generally new buildings shall not exceed the 4 storeys height; where a new structure is proposed to exceed the height of immediately adjacent structures by more than 1 storey detailed justification and assessment of impact (visual, overlooking, over shadowing etc) shall be required;
- New buildings will be expected to follow the established building line; where a set back from the road is prevalent, such spaces shall generally be laid out as amenity spaces / gardens rather than car parking, and all efforts shall be made to locate car parking underground or to the rear of new developments; where car parking to the front cannot be avoided, the quantum of spaces shall be minimised, the appearance of hard surfacing shall be ameliorated by use of innovative materials and significant landscaping shall be required;
- It is the overriding objective of the Council to promote the seafront area as the primary tourist, leisure and recreational centre of the town and the quality of residential amenity must be viewed in light of this objective and the long standing use of this area for leisure activities;

There are a number of protected views including two along Strand Road (views south).

5.2 National Policy

5.2.1 Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018)

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.3 Natural Heritage Designations

5.3.1 None.

5.4 EIA Screening

5.4.1 In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by John Spain Associates on behalf of the McEleney Homes. The grounds of appeal are as follows...

- It is noted the design of the proposal has regard to the visual amenities of the area. It is noted that the Apartment Guidelines 2018 and Building Height Guidelines 2018 promote increased densities and heights. The Bray Municipal District LAP acknowledges the possibility for heights greater than four-storeys at this location. The proposal is an appropriate scale and design and would have no significant impact on visual amenity.
- It is noted that the proposed development would have no significant impact in relation to protected views identified under the LAP.
- The proposal would be acceptable in the context of adjoining amenities with it noted the Planning report indicated no adverse impacts regarding overlooking or overshadowing.
- The proposed development is consistent with the objectives of the Bray Municipal District Local Area Plan with reference to Objective BT3 and objectives for the Seafront zone.
- It is noted that should the Board consider the proposal contravenes the height policies set out with the LAP permission be granted in accordance with Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended) having regard to SPPR3 of the Urban Development and Buildings Heights (2018) guidelines.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.3.1 An observation has been submitted by Angela Quinlan & Zsolt GerCSI, 4 Milward Terrace, Meath Road, Bray, Co. Wicklow.

- The proposed increase in height is excessive and would have an adverse visual impact at this location.

- The adjacent road would not have sufficient capacity to facilitate the additional traffic generated by the proposed development.
- The plans submitted are deficient with mislabelling of the floor levels with the possibility that the public are not aware of the true extent of the proposal.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Design, height, visual impact.

Adjoining amenity.

Traffic.

Appropriate Assessment.

7.2 Design, height, visual impact:

7.2.1 There is an existing permission on site for a five-storey building consisting of 43 apartments, basement with 47 car parking spaces and storage, 2 retail units, 17 surface car park spaces. The fourth floor of the approved development is set back with a communal roof garden space and private terraces serving the apartments at this level. The proposal is to add an additional floor consisting of 10 apartments. This additional floor is a full floor providing for a six-storey structure with the fifth floor set back. The layout and floor plan of the ground, first, second and third floor is as per the previously permitted proposal with the fourth floor being an additional full floor similar in layout to the first, second and third floor. The layout of the fifth floor is similar to the layout of the fourth floor of the permitted development. The basement level is similar to that permitted apart from an additional area to the north to facilitate additional parking and storage.

7.2.2 The main issue concerns the visual impact of the increased height of the structure permitted. The height of the proposal was considered to have a dominant visual

impact at this seafront location, characterised by protected structures as well as impacting on a number of protected views. The site is a prominent corner site at the junction of Strand Road and Victoria Avenue and a five-storey structure has been permitted. The proposal entails an additional full floor increasing the height from 16.35m to 19.2m. The seafront area is characterised by an open nature and existing Victorian structures including a number of protected structures. The appeal site is highly visible and prominent location and the overall visual impact of any proposal on site is critical. There are two protected views/prospects identified along Strand Road, both in a southerly direction along the seafront with one of them being to the north of the site and other located further south along Strand Road. Development Plan policy suggests that maximum height permitted in the Seafront area is four-storeys. A five-storey development has been permitted on site and The Urban Development and Building Height - Guidelines for Planning Authorities allows for consideration of increased building heights.

7.2.3 The overall design of the proposal is similar to the previously approved structure in terms of architectural character with the proposal being an additional full floor. There are renderings submitted with the appeal, however such are limited in illustrating visual impact on the context of the surroundings. There are contextual elevations which show the development relative to the adjoining development along both Strand Road Victoria Avenue. The permitted apartment block already represents a structure of significant scale relative to adjoining properties along Strand Road and a step up in height relative to adjoining properties to the north and south. The appeal site is a prominent site located in an attractive seaside area characterised by period properties, which are mainly three-storey in height and an open space area between the structures fronting onto Strand Road and the beach/esplanade. There are a number of objectives under the Bray Municipal District Local Area Plan regarding the Seafront area and the preservation of its unique character. Despite the proposal adding only one additional floor, I am of the view that the increased height would provide for a development that would have a significant and adverse impact on the visual amenities of the area. I would consider the permitted structure provides for reasonable scale of development and that the increased height in conjunction with the design and bulk of the proposed development would have an adverse impact on

the visually amenities of the area by virtue an overly dominant and obtrusive visual impact. The impact of the increased height would be particularly significant when viewed southwards along Strand Road and from the esplanade and beachfront area. I would consider that the design and scale of the proposal would be detrimental to the visual amenities of the area and be contrary to the zoning objective of the Bray Municipal District Local Area Plan 2018, which seeks to protect and enhance the character of the seafront area, and where proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures. The proposed development will, by virtue of its increased scale, be disproportionate relative to adjoining development, would have a negative dominant impact on the visual setting of this Victorian seafront and would seriously injure a view listed for protection, would be contrary to the provisions of the Bray Municipal District Local Area Plan 2018 which seeks to protect this area from inappropriate development, and to proper planning and sustainable development.

7.3 Adjoining Amenity:

7.3.1 As noted above the proposal adds an additional full floor of residential development increasing the approved structure from five-storeys to six-storeys. There is no change in the footprint of the approved structure. The additional full floor is similar in layout to the approved first, second and third floor, and the layout of the sixth floor is similar in layout to the approved fourth floor. The lack of change in the footprint of the above ground elements means the structure is no closer to adjoining properties than was approved. Despite being increased in height the degree of separation and orientation of windows is similar to that previously approved. I am satisfied that the additional storey does not alter the impact of the proposal on adjoining amenities. The applicant submitted shadow analysis that indicates the impact of the additional storey would not be significant in terms of overshadowing and would have no significant impact over and above that of the structure permitted under PL27.249185. I am satisfied that the proposed development would be acceptable in the context of adjoining amenities.

7.4 Traffic:

7.4.1 The proposal entails the provision of an additional full floor with 10 no. apartments to an approved development. There is no change to the approved vehicular access point or the approved parking and circulation layout. It is proposed to increase the size of the basement level with an additional area at the north western corner of the site. It is proposed to provide 73 car parking spaces to serve the proposed development, which is an increase of 9 spaces over the approved development. I would consider that the level of parking provision on site is satisfactory to cater for the proposed development and that having regard to the proximity of the site to the town centre and to bus and rail and the provision of bicycle parking spaces, that the proposed car parking provision and arrangements would be acceptable. The proposal would entail a small increase in possible traffic generation over the permitted development due to the provision additional car parking spaces. I do not consider that such an increase would be significant or have an adverse impact over and above the permitted development. I would note that the approved and proposed entrance may not comply with the recommendations of the Design Manual for Urban Streets and Roads in terms of width and turning radii. I would recommend in the event of a grant of permission a condition be applied requiring the applicant to submit a revised plans for vehicular access in compliance with the Design Manual for Urban Streets and Roads to be agreed in writing prior to the commencement of development.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity 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. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. Having regard to the:

- i. The location of the development, centrally along the Seafront in Bray, which has retained its Victorian character.
- ii. The amendments proposed under this application.
- iii. The zoning objective for Bray Seafront as set out in the Bray Municipal District Local Area Plan 2018, which seeks to protect and enhance the character of the seafront area, and where proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.
- iv. Protected views towards Strand Road as set out in the Bray Municipal District Local Area Plan 2018.

It is considered that the development will, by virtue of its increased scale, be disproportionate relative to adjoining development, would have a negative dominant impact on the visual setting of this Victorian seafront and would seriously injure a view listed for protection, would be contrary to the provisions of the Bray Municipal District Local Area Plan 2018 which seeks to protect this area from inappropriate development, and to proper planning and sustainable development.

Colin McBride
Planning Inspector

04th November 2019