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Bord  
Pleanála

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## Inspector's Report ABP-305139-19

### Development

Permission for removal of existing single storey extensions to side and rear of existing dwelling; new vehicular access to side on Clarinda Park West Road; new pedestrian gate to front elevation boundary wall facing Corrig Road; construction of a two storey extension to side and rear of existing dwelling to east elevation; construction of single storey extension to west and rear elevation; revision to main roof height to accommodate attic conversion and two dormers to rear elevation; velux roof light to rear elevation; internal alterations to existing floor plans to accommodate disability access; integrated garage to rear with temporary 'granny flat' accommodation above and all associated site works.

### Location

Hazeldene, Corrig Road, Dun Laoghaire, Co. Dublin A96 PF76 (An Architectural Conservation Area)

<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0351
<b>Applicant(s)</b>	David and Marylou Girvan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	David and Marylou Girvan
<b>Observer(s)</b>	Cllr. Dave Quinn
<b>Date of Site Inspection</b>	17 <sup>th</sup> October 2019
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The proposed development is located on a corner site at the junction of Clarinda Park West and Corrig Road, Dun Laoghaire, Co. Dublin.
- 1.2. The site is located within the Clarinda Park Architectural Heritage Area and opposite the Crosthwaite Park Architectural Heritage Area. The immediate site surrounds are generally characterized by mature housing which predominantly consists of a combination of detached, semi-detached and terraced properties of varying design. There are a large number of protected structures in the immediate vicinity of the site including 'Mosaphir' an end of terrace property at No. 1 Corrig Road to the east of the site.
- 1.3. The site itself has a stated area of 0.105 hectares and is rectangular in shape. The site has extensive screening and is difficult to see the house from either Corrig Road or Clarinda Park West at present. The existing dwelling on the site 'Hazeldene', is a three-bay, two-storey house early twentieth century house.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Removal of existing extensions to side and rear;
  - New vehicular access from Clarinda Park West together with pedestrian access from Corrig Road;
  - Construction of two storey and single storey extensions;
  - Increase to main roof height to accommodate attic conversion and the provision of dormer and velux rooflights to rear;
  - Internal alterations to existing floor plans to accommodate disability access;
  - Integrated garage to rear together with temporary 'granny flat' accommodation.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for two reasons as follows:

1. It is considered that collectively the works proposed result in a form that is over-scaled and out of proportion and would eradicate the character of the original three-bay dwelling. It is considered that the proposed alterations to extend the roof would result in a development that will have a negative impact on the character and appearance of this structure and will have a domineering visual impact on the streetscape within the ACA. It is considered that the current proposal would erode the special character and architectural interest of the existing 20<sup>th</sup> century building and is contrary to Policy AR12, Policy AR5 and Policy AR8 and Section 8.2.11.13 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development includes a temporary 'granny flat' located at first floor level to the rear of the extended dwelling house. This granny flat is not indicated to be occupied by a member of the immediate family of the proposed occupiers. Furthermore, as there is no internal link between the granny flat and the main house at first floor level, and the internal configuration of the proposed development does not provide for this granny flat to be capable of being readily subsumed back to the main house, the proposed development does not comply with Section 8.2.3.4 (ii) of the Dun Laoghaire Rathdown County Development Plan, and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report shares the view of the Conservation Officer that the proposed design raises concerns and would be detrimental to the character of the ACA.

#### 3.2.2. Other Technical Reports

**Conservation Report:** Notes that site is within the Clarinda Park ACA and that existing dwelling has an attractive arts and crafts character exemplified in the leaded windows and decorative glass in the door and timber porch. It is stated that the new extended roof to the east results in a form that is overscaled and out of proportion resulting in the eradication of the character of the original three-bay dwelling and that the proposed alterations to extend the roof as proposed would erode the special character and architectural interest of the existing 19<sup>th</sup> century building and would therefore be contrary to Development Plan policies.

**Drainage Department:** No objection subject to conditions.

**Transportation Department:** No objection subject to conditions.

### 3.3. Prescribed Bodies

- No reports

### 3.4. Third Party Observations

Four No. observations were received by the Planning Authority. Issues were raised regarding traffic safety and retention of trees. A number of the observations were supportive of the applicants and the design proposed.

## 4.0 Planning History

### PA D07A/0172

Permission refused for demolition of existing 2 storey house and construction of 4 No. dwellings for 4 No. reasons relating to demolition of house in ACA, design of proposed development, inadequate rear garden depths, and traffic safety.

### PA D08A/0600

Permission refused for the construction of a two storey 4 bed detached mews with vehicular access from Clarinda Park West for 2 No. reasons relating to design and impact on ACA and traffic hazard.

## 5.0 Policy Context

### 5.1. Development Plan

The site is zoned **Objective A** with the stated land use zoning objective 'To protect and/or improve residential amenity.

The site is located within the **Clarinda Park Architectural Conservation Area**.

#### Other Relevant Sections/ Policies

- Chapter 6 Built Heritage Strategy
- Section 6.1: Archaeological and Architectural Heritage
- Section 6.1.3 Architectural Heritage
- Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas
- Section 8.2.3.4 (iii) 'Family Member/ Granny' Flat Extension

### 5.2. Natural Heritage Designations

The site is not located within a designated Natura 2000 site. The nearest Natura 2000 site is South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC located c. 1.5km to the north west of the site.

### 5.3. EIA Screening

Having regard to the nature and scale of the proposed development in a 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 house was purchased by the applicants in 2018 so that it could be adapted to meet the needs of their daughter's special disability needs.
- Within the accessible distance of Dun Laoghaire, the house is one of very few genuinely applicable properties which are built on the flat, which do not have steps up to the main living accommodation, and provides for an adequate ground floor footprint for ground floor living, and adequate off street parking for wheelchair accessible vehicles.
- There is very limited new build or contemporary design visible from the public realm.
- The ground floor of the building is largely invisible from the public realm - see images 22-27.
- Hazeldene is not a protected structure. It contributes to the character of the surrounding area.... but with the exception of a napped rendered finish, render quoins, and general massing it has little in common with the adjacent structures or the overarching character of the ACA as set out in the Clarinda and Crosthwaite Park ACA Character Appraisal documents.

### 6.2. Planning Authority Response

The Planning Authority response can be summarised as follows:

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### 6.3. Observations

One observation has been submitted which can be summarised as follows:

- This is a very detailed letter of support for the application.

- Section 8.2.3.4(iii) of the Dun Laoghaire- Rathdown Development Plan simply did not foresee or appreciate all circumstances which should be included as being reasonably acceptable reasons to add additional accommodation to an existing property.
- The applicant's daughter is in the absolute highest level of support need, being unable to meet any of her daily living needs independently.
- The Board is requested to broaden their interpretation of Section 8.2.3.4(iii) of the Plan to take account of necessary, if less common circumstances, and if necessary to interpret the term 'immediate family' to be cognoscente of the support needs of any citizen which may not have appropriate immediate familial support available to them.
- Regarding eradication of the character of the original three-bay dwelling, the current house is not a particularly attractive feature of the area, with little architectural merit beyond the Arts and Crafts features such as the 1<sup>st</sup> floor windows and the novel Arts and Crafts porch.

## 7.0 Assessment

7.1. Having inspected the site and reviewed the file documents, I consider that the main issues can be addressed under the following headings:

- Impact on Architectural Conservation Area
- 'Carer's' Accommodation
- Appropriate Assessment

### 7.2. Impact on Architectural Conservation Area

7.2.1. This site is located within the Clarinda Park Architectural Conservation Area and directly faces the Crosswaite Park Architectural Conservation Area. Mosaphir House is a protected structure located directly to the east of the site.



- 7.2.2. Hazeldene dates to c. 1929 and it is understood that the site originally formed part of the garden of Mosaphir House. It has an attractive Arts and Crafts character and retains many early features. Features of note considered to be good quality features of this period identified in the Architectural Heritage Appraisal include the chimneystacks, windows to the front containing the stained glass transoms, the original carved timber doorcase, the terracotta ridge and roofing tiles and the porch with its clerestory of timber slats incorporating the box bay window.
- 7.2.3. I note that the design proposed involves the demolition or alteration of many of the features identified to be of note in the Architectural Heritage Impact Assessment. The timber slat clerestory porch is to be altered to provide disabled access. The existing stained glass windows will be reused both at ground floor and first floor levels. It is proposed to extend the house to the east in line with the front façade to maximise the internal disabled ensuite facilities. The extent of new build along the east is to be demarcated by the placement of a yellow brick clad gabled breakfront. It is proposed that the roof will be raised c. 500mm to accommodate a home office at attic level. It is proposed that the natural slate roof weatherings and terracotta ridge tiles and cresting will also be reinstated.
- 7.2.4. The Conservation Officer expressed concern that the new extended roof to the east results in a form that was over-scaled and out of proportion resulting in the eradication of the character of the original three bay building and these proposals would have a negative impact on the character of the appearance of this structure and a domineering visual impact on the streetscape and recommended refusal of the application.
- 7.2.5. The appeal response states that the applicant's purchased the house in 2018 so that it could be adapted to their daughter's needs. It was one of few genuinely disability applicable properties built on the flat within the Dun Laoghaire area that had an adequate footprint and site size to serve her needs. It states that every effort was made to balance the character of the property with the national policy frameworks with regard to the provision of housing for people with disabilities. It is noted that Dun Laoghaire/ Rathdown County Council have applied a derelicts sites notice to the site in April 2019.

- 7.2.6. Having reviewed the submitted documentation, it is clear that the existing structure makes a positive contribution to the overall historic character/ streetscape of the wider area. I note that the house is not a protected structure and is in poor condition. In addition, I consider that whilst the house does have some important features, there is a mix of architectural styles in the front elevation which reduce the contribution the house makes to the area. It is stated in the Architectural Heritage Impact Assessment submitted with the application that ‘the house is surrounded by early Victorian houses of a Neoclassical style and it is possible that the architect was attempting to resolve the conflict between the vernacular architectural style of the period with the refinement of the terraces and structures in the surrounding streets by combining their various features.’
- 7.2.7. I consider that the alterations proposed are respectful of the existing house and are trying to marry the need for retaining the existing character and providing suitable accommodation to suit the needs identified. Whilst some of the proposals will involve the demolition of features that contribute to the character of the structure and the Architectural Conservation Area, every effort has been made in my view to avoid a detrimental impact on either the character of the area or the structure with careful design and reuse of existing materials. I consider that raising the roof by 500mm will have minimal impact on the neighbouring protected structure Mosaphir House, as Hazledene will remain subservient to Mosaphir House. Both houses are of very different styles and eras and read differently in the streetscape at this location.
- 7.2.8. I refer the Board to Images 22-27 of the Architectural Heritage Impact Assessment. These images demonstrate the lack of any detailed visibility of Hazledene from within either Clarinda Park or Crosthwaite Park ACA’s. These images also demonstrate the great extent to which screen planting prevents Hazledene from having a landmark presence within the Architectural Conservation Area. I note that it is proposed to retain the large lime and pine trees on the site and I consider that this will help to integrate the proposed development with the Architectural Conservation Area and to mitigate the impacts of the proposed development.
- 7.2.9. From a review of the available information, I am satisfied that the proposed development will not have an undue impact on the built heritage of the existing building or the Architectural Conservation Area.

### 7.3. Carer's Accommodation

7.3.1. The cover letter submitted with the application states that 'the current owners purchased the house in August 2018 with the intent of building a bespoke, disability family residence suited to their profoundly disabled adult daughter.'

7.3.2. The wording used in the site and newspaper notices is that the application includes an 'integrated garage to the rear with temporary 'granny flat' accommodation above.

7.3.3. The second reason for refusal was as follows:

*The proposed development includes a temporary 'granny flat' located at first floor level to the rear of the extended dwelling house. This granny flat is not indicated to be occupied by a member of the immediate family of the proposed occupiers.*

*Furthermore, as there is no internal link between the granny flat and the main house at first floor level, and the internal configuration of the proposed development does not provide for this granny flat to be capable of being readily subsumed back to the main house, the proposed development does not comply with Section 8.2.3.4 (ii) of the Dun Laoghaire Rathdown County Development Plan, and would be contrary to the proper planning and sustainable development of the area.*

7.3.4. The appeal makes the case that the applicant has openly disclosed that the purpose of the 'granny flat' is for a non-family member carer to assist in the provision of essential home and social support for their daughter. The term 'granny flat' was added based on the feedback received in pre-planning and the design was updated to comply with Section 8.2.3.4. The granny flat is located above the garage and is only accessible from the main house. It is stated that the planner is incorrect to say that the granny flat cannot be subsumed back into the main house. It is currently only accessible from the main house and this will not change. There is no requirement for the granny flat to have an internal link at first floor level as stated by the planner. This could be achieved with a redesign but that is not part of the application. The owners feel they have a valid justification in terms of use as carer accommodation, this accommodation is an important criteria for attracting skilled cares who may be unable to afford rents in the area and provide a separation from the main family living spaces.'

7.3.5. I have reviewed the policy in relation to Section 8.2.3.4(iii) of the Development Plan. Whilst I note that the carer in this case would not be related to the family, I am

satisfied from the details submitted with the application, appeal and observations to both the Planning Authority and the Board that the applicants have made a valid justification for the proposal in use terms as required by the policy. They have stated that their daughter has severe intellectual disabilities and multiple complex support and that the accommodation at ground floor level is proposed to be adapted for her needs. She is almost entirely reliant on her aging parents according to the information submitted with the application. The first floor accommodation above the garage is proposed as a temporary use as carer's accommodation. There is no proposal to let or sell the development separate from the dwelling house. Furthermore, it is stated in the site and newspaper notices that permission is sought for a 'temporary' granny flat and there is no indication that it is proposed to keep the overall development subdivided on a permanent basis. I accept that the granny flat proposed has a separate stairs at present but the applicant has indicated that it is only accessible from the main house and this will not change and that the first floor could be redesigned at a later stage to form a link.

- 7.3.6. I conclude that the proposed development is acceptable in accordance with the information submitted with the application and appeal. I consider that the site and house size are large enough to provide for the type of accommodation proposed without negatively impacting on the residential amenities of the area. I consider that a suitable condition requiring that the carer's flat shall not be permitted to be sold or let independent of the main residence should be included in any grant of permission.
- 7.3.7. It is clear that the accommodation proposed is for carer's accommodation. Should the Board be minded to grant permission, it may wish to ask the applicant to submit public notices which refer to carer's accommodation. However, having regard to the information on file, I am of the view that it would have been very clear to members of the public and the planning authority that carer's accommodation was proposed in this instance.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate

assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, and to the nature, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not be detrimental to the character or setting of any protected structure, and would not adversely impact on the character of the Clarinda Park 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. 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. The use of the granny flat/ carer's accommodation shall be ancillary to the use of the main house and shall not be sold or let as an independent living unit. When no longer required for use as a granny flat/ carer's accommodation, the structure shall be incorporated back into the main dwelling and shall revert to use as living accommodation associated with same.

**Reason:** In the interest of clarity and of residential amenity.

3. 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.

4. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.  
  
(b) A schedule of all materials to be used in the external treatment of the development to include the brick finish, roofing materials, windows, doors and

vehicular and pedestrian gates shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development and conservation.

5. 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.

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 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.

7. 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 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 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

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Emer Doyle  
Planning Inspector

13<sup>th</sup> November 2019