



An  
Bord  
Pleanála

## Inspector's Report ABP 305246-19.

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| <b>Development</b>                  | Removal of a section of front railings and plinth to create a new vehicular entrance with motorized gate at a Protected Structure. |
| <b>Location</b>                     | 73 Georges Avenue, Blackrock, Co. Dublin.  |
| <b>Planning Authority</b>           | Dún Laoghaire-Rathdown Co. Council   |
| <b>Planning Authority Reg. Ref.</b> | D19A/0397  |
| <b>Applicant</b>                    | Helena Harvey  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse permission  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant</b>                    | Helena Harvey  |
| <b>Observers</b>                    | None   |
| <b>Date of Site Inspection</b>      | 6 <sup>th</sup> of December 2019   |
| <b>Inspector</b>                    | Siobhan Carroll  |

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0272 ha is located at Georges Avenue, Blackrock, Co. Dublin. Blackrock Main Street lies circa 400m to the north.
- 1.2. The subject site no. 73 Georges Avenue is a Protected Structure. The building is a former Methodist Church called Meeting Hall and was built in the 1847. More recently, the building was in office use and was occupied by architectural practices.
- 1.3. The roadside boundary has an inwardly railed pedestrian gate that is flanked by a low granite block plinth wall with railings over. The gate opens onto a granite flagstone footpath which runs in the centre of the front garden area which is grassed.

## 2.0 Proposed Development

- 2.1. Permission is sought for the removal of a section of front railings and plinth to create a new vehicular entrance with motorized gate.
- 2.2. The proposed vehicular entrance has a width of 3m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason;

1. The proposed development, which seeks to permanently remove a section of the existing plinth wall and railing to facilitate off-street car parking will have a negative impact on the character of the Protected Structure on site and is contrary to Policy AR1 and Section 8.2.11.2(i) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 with respect to works to a Protected Structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- The boundary treatment enclosing the curtilage of the former Meeting Hall is considered an integral feature contributing to the setting and appreciation of the Protected Structure.
- The decision of the Board under PL06D.128325 was noted whereby the proposed vehicular access to the front of the Meeting Hall was excluded by condition in the interest of protecting the visual integrity of the Protected Structure within its curtilage.
- The Planning Officer concurs with the recommendations of the Conservation Officer, that the permanent removal of the existing plinth wall and railings will have a negative impact on the character of the Protected Structure.

#### 3.2.2. Other Technical Reports

Transportation Planning – No objection subject to conditions.

Drainage Planning – No objection

Conservation Officer – Refusal of permission recommended. The boundary treatment enclosing the curtilage of the former meeting hall is considered an integral feature contributing to the setting and appreciation of the Protected Structure. Their loss would visually denude the architectural character and historical interest of the building and would set an unfavourable precedent.

### 3.3. Prescribed Bodies

3.3.1. None received.

### 3.4. Third Party Observations

3.4.1. The Planning Authority received one submission observation in relation to the application. The submission referred to the conservation report accompanying the application and stated that it was flawed. It was stated that the proposal would negatively impact on the architectural character of the existing building and the surrounding area.

## 4.0 Planning History

**PA Reg. Ref. D17A/0746** – Permission was granted for development consisting of proposed amendments to previously permitted planning permission for change of use from office to residential use, planning ref D13A/0017. The amendments will include minor alterations to part two storey extension to rear, revised fenestration, material finishes, new window opening from dining area to rear courtyard, enlarged single storey infill extension to east side passage providing WC, Utility & Plant room, new terrace doors to front porch, new ridge type roof light to existing roof over main living room, revised front and rear landscaping and alterations to services. Works will also include the restoration and refurbishment of the original building as previously permitted.

**PA Reg. Ref. D13A/0017** – Permission was granted for change of use from office use to residential use to include the demolition of the outer porch, repairs to the existing windows and rendering to the front elevation; the demolition of the existing rear extension and the construction of a new single and two storey extension to the rear, increasing the existing single storey side extension and the insertion of a gallery within the main hall including all associated internal and external works at Meeting Hall, a Protected Structure.

**PA Reg. Ref. D01A/0977 & PL06D.128320** – Permission was granted for change of use from church to office, internal alterations, parking landscaping, signage (a protected structure). Former Christian Fellowship Church, George's Avenue, Blackrock, Co. Dublin. Condition no. 3 referred to the proposed vehicular access and on-site car parking.

3. The proposed vehicular access and parking provisions shall be excluded from the proposed development.

**Reason:** In the interest of protecting the visual integrity of the protected structure within its curtilage.

## 5.0 Policy Context

### 5.1. Dún Laoghaire–Rathdown Development Plan 2016-2022

The subject site at 73 Georges Avenue, Blackrock, Co. Dublin is located on Map 2 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

**RPS No: 240** – Christian Fellowship Church (The Meeting Hall) George's Avenue, Blackrock, Co. Dublin – description – House.

#### **Policy AR1 –**

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

#### **Section 8.2.4.9 – Vehicular Entrances and Hardstanding Areas**

##### (iv) ACAs/Protected Structures

Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted.

In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted. All proposals for off-street parking will be considered on a case-by-case basis and should:

- Minimise loss of original boundary treatment.
- Retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car. The vehicular entrance and hardstanding area should not dominate a property's forecourt or result in the loss of traditional finishes such as granite setts and flags.
- Provide surface treatments of a high quality using traditional materials compatible with the surrounding context. Bituminous and concrete surfacing are not acceptable.
- Where favourable site conditions exist minimum intervention, integration and reuse of materials will be the key considerations. All other criteria for car parking within Section 8.2.4.9 shall also apply to parking within ACA's/Protected Structures.

### **Section 8.2.11.2 (i) – Works to a Protected Structure**

In assessing works (inclusive of extensions/alterations/ change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that:

- Alterations and interventions to Protected Structures shall be executed to the highest conservation standards, and shall not detract from their significance or value.

## **5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

### **5.2.1. Section 13.4 refers to – Features within the Curtilage of a Protected Structure or its Attendant Grounds**

5.2.2. Section 13.4.3 & 13.4.4 of the Guidelines refers to – **Alterations to boundary features**

Proposals to remove or alter boundary features could adversely affect the character of the protected structure and the designed landscape around it. Widening an entrance or altering flanking walls or railings will alter the scale and visual impact of the gate and gate piers. Relocating a gateway may destroy a carefully designed relationship between the entrance and the main building. Proposals to lower or raise the height of boundary walls should also be given careful consideration as such alterations can have a detrimental effect on the character of a protected structure and on the character of an ACA.

5.2.3. While some minor changes may be granted planning permission, the cumulative effect on the character of the street or area of a series of incremental changes may not be acceptable.

5.2.4. Section 13.7.7 and 13.7.8 refers to – **Car Parking**

5.2.5. The loss of garden may seriously affect the setting and character of a protected structure or of an ACA. Careful consideration should be given to the location of the car park to avoid damage to the character of the structure or its attendant grounds. The demolition of garden walls and the combining of two or more areas of garden to provide car parking within an urban area should generally be avoided.

5.2.6. Where it is necessary to provide car parking, efforts should be made to minimise its impact by careful design and use of materials. The associated alteration of boundary features should not be permitted unless the changes are considered not to be damaging to the character of a protected structure or of an ACA and would not result in inappropriate cumulative changes.

5.3. **Natural Heritage Designations**

5.3.1. None relevant.

5.4. **Environmental Impact Assessment Screening**

5.4.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no



real likelihood of significant effects on the environment. 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

A first party appeal was submitted by Brazil Associates Architect on behalf of the applicant Helena Harvey. The issues raised are as follows;

- The subject building known as the “Meeting Hall” is a Protected Structure. The Methodist Chapel was built in the late 1840’s it was used by the Methodist’s as a meeting hall, then by the Plymouth Brethren and then Christian Fellowship. It was converted to an Architect’s office in 2001.
- The property was purchased by the applicant Helena Harvey in 2017. Under Reg. Ref. D17A/0746 permission was granted for a change of use from office to residential with an extension and refurbishment of the property.
- The appellant contends that the proposed works would not significantly detract from the character of the area or impact upon the architectural and historical interest of the building.
- They note that the railings have been altered previously to the three houses neighbouring the site to the north no. 70-72 and that railings were removed at no. 74.
- As evident from the 1907-08 OS maps the railings along this section of the road were at one stage consistent. Alterations and changes have occurred over the years and this has resulted in slight inconsistencies in the appearance of the railings and boundary treatment. It is submitted that the subject railings relate to the street and that they do not relate significantly to the Protected Structure.
- It is highlighted that sections of railings and plinth to houses no. 70-72 have been altered, cut and replaced. The properties feature altered walls and railings to provide off-street car parking.

- It is noted that the railings at no. 74 George's Avenue were removed completely. The plinth remains with dense hedging. It is therefore considered that these alterations have eroded the contextual street elevation.
- The front of properties 70-72 have all been amended over time including the provision of off-street car parking.
- The front boundary of the subject site contains a pedestrian opening which is slightly off centre with the existing building.
- The alteration to the railings to provide pedestrian access relates to and aligns with the later addition porch which was demolished as part of the permission granted under Reg. Ref. D17A/0746.
- It is stated that the non-original porch is evident on the 1907-08 OS maps therefore it would appear that the railings were altered or added around the same time.
- The proposed provides for the non-original pedestrian gate to remain in situ with a new vehicular entrance to be constructed to match the existing railings.
- It is submitted that a precedence was create under Reg. Ref. D08A/1072 where permission was granted for off-street carparking at no. 72 George's Avenue.
- The reason for refusal issued by the Planning Authority states that the proposal would set an unfavourable precedent. It is noted that this may be referring to the two other Protected Structures located further down the street. The appellant submits that the boundary treatment to those Protected Structures is completely different in that they have a high stone wall with decorative motif railings.
- The appellant cites a previous planning permission relating the site. Under Reg. Ref. D01A/0977 permission was granted for "change of use from Church (area c. 70sq m) to office use, alterations to railings to front, to provide 3 no. car parking spaces, provision of disabled facilities, minor internal alterations, signage and landscaping & associated site works". The appeal states that the permission was granted with a condition that the opening should be widened to a maximum of 3.0m from the proposed 2.28m.

- It is submitted that the proposal to maintain the existing pedestrian gates with a new vehicular entrance closer to the side boundary and constructed to match the existing railings would not detract from the contextual elevation.
- It is noted that the Board refused permission for off-street parking (PL06D.128320) it was for the provision of 3 no. car parking spaces at the Meeting Hall for an office building. The appellant submits that this decision was made prior to the decision by the Planning Authority Reg. Ref. D08A/1072 at no. 72 George's Avenue and that it has set a precedent.
- It is stated the Transportation Department had no objection to the proposed development. It is submitted that the proposed removal of a parking bay would facilitate more space on the road for passing traffic.
- In conjunction with the proposed off-street car parking it is proposed to install an electric car charging port in accordance with Section 2.2.9.3 and 2.2.9.4 of the Development Plan.
- In conclusion, it is submitted that as there is existing precedence for front off-street parking the appellant requests that the Board over turn the decision of the Planning Authority to refuse permission.

## 6.2. Planning Authority Response

- 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 of the proposed development

## 7.0 Assessment

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

- **Built heritage**
- **Appropriate Assessment**

## 7.1. Built heritage

- 7.1.1. The subject site at no. 73 George's Avenue, Blackrock contains the Christian Fellowship Church (The Meeting Hall), the building presently a house is a Protected Structure (RPS No. 1040) of architectural and historic importance.
- 7.1.2. The proposal is intended to facilitate the provision of one vehicular parking space to the front of the property. The proposal would involve the removal of the section of plinth and railings which extends for 3m to the northern side of the existing pedestrian gate. A car parking space of 3m x 7.45m would be provided.
- 7.1.3. The question of using a section of the area to the front of the building for car parking and the permanent removal of the section of the plinth and railings is of concern as the building is a Protected Structure.
- 7.1.4. Section 8.2.4.9(iv) of the Dún Laoghaire–Rathdown Development Plan 2016-2022 refers to Vehicular Entrances and Hardstanding Areas with reference to ACAs/Protected Structures. It advises that boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and that proposals for off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted. Furthermore, the development plan sets out that in areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. It is acknowledged in the development plan that all proposals for off-street parking will be considered on a case-by-case basis however that the loss of original boundary treatment should be minimum.
- 7.1.5. Section 13.7.7 of the Architectural Heritage Protection, Guidelines for Planning Authorities, refers to car parking in protected structures. It advises that that careful consideration is required in order to protect the character of the structure and attendant grounds, also section 13.7.8 advises that where car parking is provided effort shall be made to minimise the impact through careful design and materials.
- 7.1.6. In addition, Section 13.4.3 & 13.4.4 of the Guidelines provide specific guidance in respect of alterations to boundary features within the Curtilage of a Protected Structure or its Attendant Grounds. The guidelines advise that proposals to remove or alter boundary features could adversely affect the character of the protected

structure and the designed landscape around it. In relation to proposals for entrances the guidelines state that the widening an entrance or altering flanking walls or railings will alter the scale and visual impact of the gate and that the relocation of a gateway may destroy a carefully designed relationship between the entrance and the main building.

- 7.1.7. The Planning Authority refuse permission on the basis that the subject removal of a section of the existing plinth wall and railing to facilitate off-street car parking will have a negative impact on the character of the Protected Structure on site.
- 7.1.8. In response to this the appellant submits that the proposed works would not significantly detract from the character of the area or impact upon the architectural and historical interest of the building and that the subject railings relate to the street and do not relate significantly to the Protected Structure.
- 7.1.9. The appellant also highlights that sections of railings and plinth to houses no. 70-72 have been altered, cut and replaced and that the railings at no. 74 George's Avenue were removed completely to provide off-street car parking. It is submitted in the appeal that these alterations have eroded the contextual street elevation.
- 7.1.10. Architectural Conservation Report prepared by Brazil Associates Architects was submitted with the application. In relation to the impact of the proposed works on the Protected Structure the report states that the proposed works will involve the carefully cutting back the existing low granite wall and railing. The new gates will be manufactured to replicate the existing railings. It is concluded in the report that the design of the gate is in keeping with the character of the Protected Structure
- 7.1.11. In relation to the subject proposals, I consider that the existing railed pedestrian gate flanked by a low granite block plinth wall with railings contributes significantly to character and setting of the Protected Structure. While I note that the pedestrian opening is slightly off centre with the existing building it is legible as providing sole access to the principal façade. Section 13.4.3 & 13.4.4 of the Architectural Heritage Guidelines refer specifically to widening an entrance and altering flanking walls and railings and the potential visual impact it may have upon a carefully designed relationship between the entrance and the main building.
- 7.1.12. The granite block plinth wall and railings which flank the pedestrian gate provide a legible demarcation between the Protected Structure and its curtilage from the public

domain. This enclosure provided by the subject railings and plinth wall contributes to the character, setting and the special architectural interest of the Protected Structure.

- 7.1.13. While I would note that dwellings in the immediate vicinity and cited in the appeal feature vehicular accesses to on-site car parking, these properties are not Protected Structures. Furthermore, I would note the decision of the Board under PL06D.128320. The Board granted permission for change of use from church to office. Condition no. 3 referred to the proposed vehicular access and on-site car parking. The condition specified that the proposed vehicular access and parking provisions shall be excluded from the proposed development in the interest of protecting the visual integrity of the protected structure within its curtilage. The Inspector in their assessment of the proposal concluded that the visual integrity of the Protected Structure and its curtilage would be adversely affected visually to a significant extent and would warrant the exclusion of the proposed vehicular access and parking provisions.
- 7.1.14. The report of the Conservation Officer refers to the boundary treatment being an integral feature contributing to the setting and appreciation of the Protected Structure. The Conservation Officer also noted the decision of the Board in respect of PL06D.128320 and stated that they are of the opinion that the current proposal fails to overcome the matters raised and determined in relation to then proposed vehicular access and car parking at the subject site. I would concur with this assessment of the Conservation Officer.
- 7.1.15. Accordingly, in conclusion I consider that the proposed removal of a 3m section of front railings and plinth to create a new vehicular entrance with motorized vehicular gate would result in an intervention which would materially affect the appearance of the Protected Structure and its curtilage. The proposed development would be contrary to Policy AR1 and and Section 8.2.11.2 (i) of the Development Plan which refers to works to a Protected Structure and Section 8.2.4.9 (vi) of Development Plan 2016-2022 which refer to Vehicular Entrances and Hardstanding Areas in ACAs/Protected Structures. The proposal would also contravene the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

## 7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reason set out below.

## 9.0 Reasons and Considerations

1. It is considered that the proposed alterations to the front boundary involving the permanent removal of a 3m section of an ornate cast-iron railing boundary set in a cut stone granite plinth and the provision of new vehicular access would be detrimental to the designed relationship between the original entrance and the main building. The proposed development, if permitted, would materially affect the appearance of the Protected Structure and its curtilage, and would, by itself and by the precedent it would set, seriously injure the visual amenities the area. The development would, therefore, be contrary to Policy AR1, Section 8.2.4.9 (vi) and Section 8.2.11.2 (i) of the Dún Laoghaire–Rathdown Development Plan 2016-2022, and contrary to the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011), and would, therefore, be contrary to the proper planning and sustainable development of the area”.

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Siobhan Carroll  
Planning Inspector

16<sup>th</sup> of January 2020