



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305342-19

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<b>Development</b>	Demolition of nos 11, 13a, 13b & 13c Booterstown Aveune and construction of new two storey detached dwelling house.
<b>Location</b>	11, 13a, 13b, 13c Booterstown Avenue and 9 Booterstown Avenue (A Protected Structure), Booterstown, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0409
<b>Applicant(s)</b>	Friarsbridge Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Friarsbridge Ltd.
<b>Observer(s)</b>	1. Francis and Joanne Hackett 2. Eoin O' Colmain

**Date of Site Inspection**

2<sup>nd</sup> January 2020

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located on Booterstown Avenue, close to the junction with Rock Rock, Booterstown, Co. Dublin. The site has a stated area of 0.1431 hectares.
- 1.2. The site comprises of a cluster of buildings at Nos. 11, 13a,13b and 13c consisting of 3 retail units and 1 No. apartment and a separate building comprising of No. 9 Booterstown Avenue.
- 1.3. No. 9 is an end of terrace two storey double breasted dwelling which has been extensively renovated and extended in recent years. There is a total of 4 dwellings in the terrace, all of which are protected structures. The site is located within the Booterstown Avenue candidate Architectural Conservation Area.
- 1.4. The cluster of buildings at Nos. 11-13 are located close to the road forward of the building line of existing buildings to the north and south. There is a railing adjacent to the footpath in front of these buildings. The buildings at No. 11-13 are in a poor state of repair at present.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of Nos. 11, 13a, 13b, and 13c Booterstown Avenue and the construction of a detached two storey dwelling. The proposal includes the re-alignment of the front boundary railings to give a wider footpath and the relocation of the existing Gibb door surrounds within the garden.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for one reason as follows:

Having regard to the age and architectural design of the existing building and taking into account its strong presence on this streetscape, it is considered that the existing structure makes a significant contribution to informing the character and quality of the streetscape at this location. It is therefore considered that its demolition would

seriously detract from the character of the existing streetscape and would be contrary to Policy AR17 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. In addition, it is considered that the design of the proposed replacement dwelling is not in accordance with Section 8.2.11.2(iii) of the current County Development Plan, given its proximity to an existing Protected Structure. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner considered that having regard to the age and architectural design of the existing building and taking into account its strong presence on the streetscape, the proposed demolition would detract from the streetscape and the character of the cACA. It was also considered that the design response of the dwelling proposed would not preserve or enhance the character of the cACA.

#### 3.2.2. Other Technical Reports

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

**Conservation Officer:** Report considered that the buildings are some of the oldest buildings on Booterstown Avenue and predate the adjoining protected structures. It was considered that the buildings can be successfully retained and adapted as per D17A/0490. It noted that *'there appears to be a lack of desire to do so, driven by the difficulty in providing vehicular access to the site and the associated economic gain. There is an apparent conflict between achieving best conservation standards and practice with the requirements of the Transportation Department. This is evident under D17A/1102.'* It is acknowledged that whilst the existing buildings are in a poor state of repair, they make a significant contribution to the character and quality of the existing streetscape.

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

### 3.3. **Prescribed Bodies**

- No reports.

### 3.4. **Third Party Observations**

- 3.4.1. Six No. submissions were received by the Planning Authority. The main issues raised are similar to those set out in the observations on the appeal.

## 4.0 **Planning History**

Relevant history includes the following:

### **PA D17A/1102**

Permission refused by Planning Authority for two No. reasons relating to traffic safety for amendments to previously approved planning application Reg. Ref. D17A/0490 consisting of modified proposed vehicular entrance and new side boundary railing.

### **D17A/0490**

Permission granted for 1. Demolition of No. 11 Booterstown Avenue and creation of new entrance with parking area and car turntable. 2. Demolition of two storey return to No. 13a Booterstown Avenue, demolish single storey structure to rear of 13b and single storey storage areas. 3. Conversion of the remaining building at 13a, b, c Booterstown Avenue to a single dwelling (with 4 bed and living areas) to include the construction of 1 and 2 storey extension to the rear. 4. New window openings to side and rear of No. 13c Booterstown Avenue. 5. Remove shop-fronts to No. 13a and 13c, alter the existing openings to create new window openings with sash window. 6. Replace existing pvc windows with timber sash windows, replaster the existing walls to 13a, b, c, re-slate the original roof. 7. External landscaping to side and rear with surface water soakaway to rear garden.

Condition 2 required that the proposed vehicular entrance and car parking were omitted in the interest of traffic safety.

### **D14A/0165**

Permission refused for the demolition of existing buildings at Nos. 11, 13a, 13b, and 13c Booterstown Avenue and the construction of 1 No. two storey detached 5 bed house, complete with new site entrance, on site parking and all associated site works.

### **PA D09A/0747**

Permission refused for the demolition of existing buildings at Nos. 11, 13a, 13b and 13c Booterstown Avenue and the construction of 3 No. 3 bed terraced dwellings, three storeys in height with balconies to front at first floor level, complete with car parking and associated site works.

### **On adjoining site to the rear of No. 7 Booterstown Avenue**

#### **PA D19A0576/ ABP 305772-19**

Permission refused by Planning Authority for the construction of a house on site to the rear of protected structure at No. 7 Booterstown Avenue. Currently on appeal to the Board.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

- The site is zoned as 'Objective A' – To protect and/or improve residential amenity.
- The site is located within the Booterstown Avenue cACA.
- The terrace of 4 dwellings adjacent to the site are protected structures.
- Chapter 6 Built Heritage Strategy
- Section 8.2.11 Archaeological and Architectural Heritage

## 5.2. Natural Heritage Designations

- None of relevance.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development which consists of an infill development in a built up 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

- Response attached to appeal from Conservation Architect which considers that whilst the removal of the building may detract from the existing streetscape as viewed from the south, it would not 'seriously' do so and is an overstatement of the reason for refusal.
- The existing building is too imposing on the streetscape and the railings cause school children to walk outside them onto the road.
- The proposed design represents a 'neutral design' that would not detract from the neighbouring houses that are protected structures.
- The photomontage of the proposed development within the streetscape demonstrates that the proposed development will integrate with the adjacent protected structure.
- The proposed house takes design cues (general height, window proportions) from No. 9 Booterstown Avenue but with the proposed plaster finish, it is not a direct imitation.
- The applicant is willing to revise the design if the Board believes the house should be contemporary.

- It is the applicant's submission that the requirements of public safety should be given greater weight than the socially desirable wish to retain heritage.

## 6.2. Planning Authority Response

- The Planning Authority considered that the grounds of appeal did not raise any new matter which would justify a change of attitude to the proposed development.

## 6.3. Observations

### Francis and Joanne Hackett

- The railings in front of the house pose a real danger to school children attending St. Andrews and Booterstown National School. The property should be set back from the road and the railings would be unnecessary.
- It is ludicrous to suggest that the property is inherent to the character of Booterstown Avenue. Booterstown Avenue is an eclectic mix of modern and old properties (look at the modern development two doors up from No. 11).
- The proposal for a single use dwelling house set back from the road would greatly enhance the safety and aesthetic of Booterstown Avenue.
- This saga has gone on far too long and reflects very badly on the Planning Authorities.

### Eoin O' Colmain

- No. 13 may not be one of the prettiest buildings on Booterstown Avenue but it is certainly one of the oldest and worthy of restoration.
- In the last 5 years the only thing that has changed is that the buildings have been allowed fall into a greater state of disrepair.
- Attached to the observation is a detailed report by Ailtireacht Architects outlining many reasons why these buildings should be preserved. This report was previously submitted to the Planning Authority in the history application on the site.



## 7.0 Assessment

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

- Impact on Booterstown Avenue candidate Architectural Conservation Area
- Traffic Safety
- Appropriate Assessment

### 7.2. Impact on Booterstown Avenue candidate Architectural Conservation Area

7.2.1. The site is located within Booterstown Avenue candidate Architectural Conservation Area. The terrace of 4 No. houses located to the north are protected structures.

7.2.2. The Conservation Research Document submitted with the application indicates that the buildings result from modification of an early to mid-eighteenth century residential building or buildings, progressively converted to use as shops, undergoing a major redevelopment around c. 1867. I refer the Board to the research document which is very detailed and outlines the history of the building together with a detailed description. Items of importance are generally either underlined or placed in boxed paragraphs – these include the following: Gibb Door surround, 50 degree south gable, closely spaced windows, 19<sup>th</sup> century mid Victorian shop front, coherent interconnecting suite of salon at first floor, co-ordinated joinery of the mid 19<sup>th</sup> century of Georgian proportions.

7.2.3. The cluster of buildings that now consist of 11 and 13 Booterstown Avenue have components of structure that could date them to early George II (c 1730). However, it appears that they may have been re-built in the 19<sup>th</sup> century with No. 13 after 1860.

7.2.4. A Conservation Statement was also submitted with the application which contends that No. 13 is not in its 'authentic state' as the parapet is incongruous with the 50 degree roof behind it. Whilst it notes that the building could be reversed to a more pleasing scale of presentation, this would require extensive re-building at great expense. A structural report submitted with the application identifies that the building had badly deteriorated prior to the applicant purchasing it. It considers that it would

be preferable to demolish and rebuild rather than trying to repair and upgrade to current standards the damaged fabric.

- 7.2.5. There is a current permission on the site granted under D17A/0490 to demolish some of the buildings and convert the remainder of the building to a 4 bed dwelling. The Planning Authority and the Conservation Section were satisfied that this approach was reasonable in terms of retaining significant historic elements without loss of character. I note that condition 2 required the access to be removed for a reason relating to traffic safety. Permission to provide a vehicular access was subsequently refused under D17A/1102. The Conservation Officers report on this file noted that it remained supportive of the adaptive re-use and restoration of this group of buildings and had no difficulty with the access proposals. It noted the concerns of the Transportation Department and stated that it would welcome a solution to overcome these concerns.
- 7.2.6. The report from the Conservation Section in relation to the current application states that the buildings date to the early 18<sup>th</sup> century and make a significant character to the streetscape character of the area. They are considered of historic and architectural merit and are some of the earliest buildings surviving on Booterstown Avenue, predating the adjoining red brick Victorian terrace which are protected structures built c.1854-1868. It is recognised that whilst the buildings have evolved and have been subject to a number of interventions, these changes do not significantly erode or denude the architectural and historical interest and the contribution of the buildings within the streetscape. It considered that there is an opportunity to enhance and reinstate lost features. The updated conservation and structural reports submitted with the application, do not persuade the Conservation Division to change their minds in relation to the proposed demolition of the buildings. These reports were submitted for the first time with the current application and were not submitted with the application granted permission under D17A/0490.
- 7.2.7. I concur with the views of the Conservation Section in relation to this matter. Policy AR5 of the Development Plan states 'It is Council Policy to retain, where appropriate and encourage the rehabilitation and suitable reuse of existing older buildings/ structure/ features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment.

Policy AR13 states that it is council policy to prohibit the demolition of a structure that positively contributes to the character of an ACA.

- 7.2.8. I refer the Board to the proposed front contextual elevation. I consider that the design is unremarkable and fails to make a positive contribution to the cACA. Policy AR12 sets out the policy for ACA's and requires the protection of the character of the ACA and sensitive designs of high quality for new development. The appeal considers that the proposed house represents a 'neutral' design. Should the Board consider that a contemporary design is preferable, the applicant is willing to revise the design.
- 7.2.9. The appeal attaches a further letter from the Conservation Architect which states that the removal of the building may detract from the existing streetscape but it would not 'seriously' do so. The letter refers to all the changes and alterations made to the original building in order to support the case for its demolition.
- 7.2.10. I accept that there is a need for modifications and intervention and indeed the demolition of parts of the existing cluster of buildings. However, I do not consider that an adequate case has been made for its complete demolition. I consider that the proposal would be contrary to policies AR5, AR12, and AR13 of the Development Plan, would detract from the setting of the site and the adjoining protected structures and detract from the architectural character of the existing streetscape and the candidate Architectural Conservation Area.

### 7.3. **Traffic Safety**

- 7.3.1. I note that it has been raised in one of the observations that the railing in front of the existing building pose a danger to children walking to local schools. Whilst I accept this point, I do not consider it to be an adequate justification for the demolition of this cluster of buildings.

### 7.3.2. **Appropriate Assessment Screening**

- 7.3.3. Having regard to the nature and scale of the development which consists of the demolition of existing buildings and the construction of a dwelling in a fully serviced urban location, 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 that the decision of the Planning Authority should be upheld and permission refused for the reasons and considerations set out below:

## **9.0 Reasons and Considerations**

Having regard to the planning history of the site, the existing character and the prevailing pattern of development in the area, the visually prominent location of the site within the Booterstown Avenue candidate Architectural Conservation Area and the objectives and provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that the demolition of structures that positively contribute to the character of the candidate Architectural Conservation Area would detract from the character and quality of the streetscape. Furthermore, the proposed replacement dwelling fails to enhance the character of the candidate Architectural Conservation Area and would set an undesirable precedent for similar development. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

13<sup>th</sup> day of February 2020