



An
Bord
Pleanála

Inspector's Report ABP-305898-19

Development	New House and reconfiguration of existing vehicular entrance to provide two driveways, pedestrian gate and all ancillary site works.
Location	Whitshed Lodge, Whitshed Road, The Burnaby, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/544
Applicant(s)	Sonia Walsh & John Ryder
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observer(s)	Burnaby Residents Association Killian Garvey Michael Bannon Aedamar O'Rourke/ Brian Farrell

Date of Site Inspection

29th January 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.1 hectares, comprises an almost reverse 'L' shaped area of land located to the east of Portland Road and with access also from Whitshed Road, to the west of Greystones, Co. Wicklow. The site forms part of the front and side garden of Whitshed Lodge, which is a large, one and a half storey house. To the south east of Whitshed Lodge and south of the subject site, is 'Glanseskin', a large two storey house. To the north/ west of the subject site is 'Anjo Lodge', a large one and a half storey house. The area is characterised by large houses of different design types located on generous site areas.
- 1.2. The lands in the area slope gently downwards from the junction of Portland Road North and Whitshed Road on a north west to south east axis.
- 1.3. The Whitshed Road is a long straight road of approximately 0.85 km, that extends from Greystone Golf Club to the west and terminates at Burnaby Road to the east with a pedestrian path through Burnaby Park providing access to the centre of Greystones and the railway station. The relatively narrow roads and the provision of extensive tree planting form a distinctive character to this part of Greystones.

2.0 Proposed Development

- 2.1. The proposed development consists of the subdivision of the existing site forming the private amenity space associated with 'Whitshed Lodge'. A new one and a half storey house is proposed on the site with a stated floor area of 138.98 sq m and to provide for three bedrooms. The design of the proposed house is described as a 'lodge style' with verandas to the front/ west elevation and also to the rear/ east elevation.
- 2.2. The existing vehicular entrance from Whitshed Road is to be reconfigured to provide for access to the proposed house and to continue to provide vehicular/ pedestrian access to 'Whitshed Lodge'. A separate pedestrian access is to be provided from Portland Road North, to the western side of the subject site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for three reasons which in summary included negative impact to an Architectural Conservation Area (ACA), loss of trees within a tree protection area and access to the development would require works outside of the red line boundary of the application site.
- 3.1.2. A time extension up to and including the 3rd of November 2019 was requested by the applicant and granted on the 4th of July 2019. Unsolicited further information was received on the 12th of September 2019 and was deemed to be significant further information with revised public notices subsequently provided. The Planning Authority subsequently decided to refuse permission for the same reasons except that relating to negative impact on trees was omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. The original report recommended refusal for three reasons and following the receipt of unsolicited further information, the number of reasons was reduced to two; incorrect details were provided with regards to the removal of trees and this issue was clarified by the applicant to the satisfaction of the Planning Authority.

3.2.2. Other Technical Reports

Senior Engineer Roads: No comment to make.

3.2.3. Prescribed Bodies Reports

Irish Water: No objection subject to recommended conditions.

3.2.4. Objections/ observations

A number of letters of objection were received to the original application from neighbouring residents in addition to a letter from the Burnaby Residents Association.

Issues raised, in summary, include:

- There have been eight previous applications on this site and the constant number of applications and appeals is having a financial cost on the objectors through having to prepare for these appeals. There is a history of refusal of planning permission on these lands.
- The site is located within an Architectural Conservation Area (ACA) and there is an objective to protect trees along Portland Road.
- The site is not sufficient to accommodate the scale of development proposed.
- Concern that existing trees will be negatively impacted by the development and trees have already been removed from the site.
- Potential overlooking from the proposed house as it is 3 m higher than 'Glanseskin', the residents of which have objected to this development.
- Concern that existing foul drainage is operating at full capacity and may negatively impact on neighbouring properties in the area.
- Boundary on the Portland Road North should be restored to original condition. The applicant was informed by the Planning Authority that an entrance on this side of the site was unauthorised, permission was refused for an entrance on this side of the site and should be closed off/ returned to its natural state.
- The development contravenes 'Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019' with particular reference to not meeting the density of 10 units per hectare.
- The proposed new entrance may give rise to car parking difficulties including for the entering/ existing of neighbouring houses.
- The proposed development would have a negative impact on the residential amenities of adjoining properties.
- Plans are incorrect with particular reference to the site boundaries and the site size is overstated.
- The Burnaby Residents Association wish to see the preservation of the character of the Burnaby Estate which is located within an Architectural Conservation Area (ACA) and the proposed development is contrary to the objectives of the County Development Plan.

- The proposed house is described as ‘faux original’ and may result in confusing what is the original and what is an infill unit. Such an issue is contrary to Objective HER12 of the ‘Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019’.
- There is not a sufficient difference between the current application and those previously refused on this site.

4.0 Planning History

P.A. Ref. 16/1167 and **ABP Ref. PL.27.247849** refers to a May 2017 decision to refuse permission for a two-storey detached house, new driveway, alterations to the existing entrance, revision to boundaries and associated site works for the following reasons:

The Board had regard to the location of the proposed development within “The Burnaby”, which is a low density area of historical and architectural interest, composed mainly of large, family style homes on generous sites with a sylvan character which is a designated Architectural Conservation Area, as set out in the Greystones/Delgany and Kilcoole Local Area Plan. It is the land use zoning objective of the planning authority, as set out in the Local Area Plan, to preserve and improve residential amenity and permit new development at a maximum density of 10 units per hectare.

It is considered that the proposed development would be out of character with the existing pattern of development in the area, would represent a cramped form of development in The Burnaby Architectural Conservation Area, would conflict with the objectives of the planning authority for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, it is considered that the siting and scale of the proposal results in an overbearing form of development that would be contrary to Objective HER12 of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. The proposal would, therefore, seriously injure the character of the area and would be contrary to the proper planning and sustainable development of the area.

P.A. Ref. 16/390 refers to a June 2016 decision to refuse permission for a two-storey detached house, new driveway, modifications to existing driveway and associated site works. The following reason for refusal was issued:

‘The site of the proposed development is located in the Burnaby Architectural Conservation Area, a historic residential suburb developed at the turn of the 19th and 20th centuries, and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan 2013 seek to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas.

Given the compacted site layout, it is considered that the proposal would result in a cramped and uncharacteristic pattern of development along this street, which does not reflect the traditional sylvan and spacious garden suburb pattern of the Architectural Conservation Area. Accordingly, it is considered that the proposed development would unduly impact on the character and setting of properties in the vicinity comprising large dwellings on large plots, would unduly degrade and detract from the character of The Burnaby Architectural Conservation Area, would be contrary to the provisions of the Local Area Plan and the proper planning and sustainable development of the area’.

Similar applications for a detached house were recommended for refusal on this site under **P.A. Ref. 08/1856, 08/634** and **07/1193**, the last two withdrawn before the decision was issued.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Greystones – Delgany and Kilcoole is designated a Level 3 – Large Growth Towns II within the Wicklow Development Plan Hierarchy as per the **Wicklow County Development Plan 2016 – 2022**.

Under the **Greystones – Delgany and Kilcoole Local Area Plan (LAP) 2013 – 2019**, the subject site is zoned R10 – Residential – 10/ha and which seeks ‘*To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity*’.

Whitshed Road is an ‘Indicative Greenway’ as per Map B – Heritage Map.

Objective T14 (also Map B – Heritage Map) refers to Protected Trees, ‘*Greystones, Portland Road*’.

Also relevant is ‘*HER4: To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B*’.

HER12 refers to Architectural Conservation Areas and the following are relevant to the Burnaby:

- *Development will be controlled in order to protect, safeguard and enhance the*
- *special character and environmental quality of ACAs.*
- *The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be*
- *protected.*
- *The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.*
- *Schemes for the conservation and enhancement of the character and*
- *appearance of an ACA will be promoted.*

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

The Burnaby ACA is detailed in Appendix B, Section 3.4 of the Local Area Plan and the following are relevant to the proposed development:

Location and history

The Burnaby covers a large area, the southern boundary being defined by Mill Road, and the northern boundary adjoining Hillside Road. To the west the Burnaby is bounded by Greystones Golf Club and to the east the rail station.

Character

The Burnaby as an historic residential suburb is not alone locally distinct but also of national interest. The Burnaby represents the historic emergence of low density garden suburbs for commuting families at the turn of the 19th and 20th centuries facilitated by the rail-line. The Burnaby is similar in style to the suburban subdivisions of North American cities and Australian cities of that era. There are few other comparative examples within Ireland as there was in general limited urban development undertaken on the island during the first quarter of the 20th century.

The range of architectural styles within The Burnaby is diverse and considerably different to the predominant character of Victorian and Edwardian Greystones. The arrangement of dwellings on the large plots does not follow any strict order. The streets of The Burnaby are laid out as a grid.

The plot sizes are large and vary considerably typically in the range of 0.2 to 0.8 hectares, often sufficiently large to accommodate tennis courts. The architectural character of The Burnaby is characterised by:

- Buildings in the arts and crafts and domestic revival style.*
- Large plots with buildings set back from the edge of the plot and street.*
- Plot boundaries are typically defined by low cast iron policy railings¹ and hedges.*
- The large gardens contain many mature trees and large shrubs, which cumulatively create a wooded green character.*
- Buildings are an eclectic mix of single storey bungalows and villas and two storey*

dwellings.

- *Buildings are Arcadian and rural in styles as opposed to street like.*
- *House plans are generally asymmetrical in form.*
- *Steep roof pitches generally in tiles as oppose to slates; with tall chimney stacks and dormer windows.*
- *Gables facing the street.*
- *Eave overhangs, bay windows, porches and verandas.*
- *There is considerable diversity in the range of building materials with a strong use of redbrown brick, dash render walls, terracotta roof tiles and cladding and mock timber framing.*

The streetscape of The Burnaby is characterised by leafy and green suburban style streets. Street furnishings are limited and the cumulative effect of the buildings set deep within the plots creates a streetscape character of green vegetated tunnels. This green character is intrinsic to what is distinctive and valued in the character of The Burnaby. There are granite kerbs along footpaths, the surfaces of the footpaths are macadam.

Most of the streets in The Burnaby are tree lined; with Oak and Sycamore the predominant species. The height of the street trees would suggest that they are contemporaneous with the original setting out of The Burnaby.

The building fabric of The Burnaby is in general in excellent condition. A concern would be the poor condition of some plot boundaries and the replacement of policy railing and hedging with solid boundaries.

Development in The Burnaby

Not all existing buildings in The Burnaby area merit protected status and retention. The adoption of the Burnaby ACA does not preclude nor prejudice the demolition and redevelopment of individual sites provided proposals are in accordance with the

policies and objectives of the Architectural Conservation Area. The heritage value of individual buildings will be judged on a case by case basis.

The adoption of the Burnaby Architectural Conservation Area does not preclude or prejudice against: subdivision of dwelling into apartments, extensions, change of use and/or infill development. However such development may only be permitted provided they are in accordance with the policies and objectives of the Architectural Conservation Area, and in the case of conversion to apartments cannot result in the subdivision of front gardens.

It will be an objective of Council to encourage the retention of original policy railings and hedging to plot boundaries. Where boundaries must be repaired or replaced or where new boundaries are required, the Council will promote the use of policy style railing and formal hedge planting.

5.2. National Guidance

- 'Project Ireland 2040 - National Planning Framework' includes Chapter, No. 6, entitled 'People Homes and Communities' and which includes 12 objectives, the following are considered relevant to this proposed development:
 - National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
 - National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
 - National Policy Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of employment/ mixed use at

the 'Greystones Strategic Site' which is owned by the IDA. The development of employment in Greystones is to be supported and an enhanced park and ride facility to be developed.

- The Architectural Heritage Protection Guidelines for Planning Authorities (2004 and amended in 2011) are noted.

5.3. National Inventory of Architectural Heritage (NIAH)

Glanseskin, the house to the south east of the subject site, is listed on the NIAH and has a Regional Rating of importance. The appraisal states:

'Amidst the many fine Domestic Revival style houses on the south side of Greystones, this is one of the most memorable, incorporating many of the elements of the genre in a wonderfully rambling manner, with the whole ensemble complimented by the secluded undulating grounds'.

5.4. Natural Heritage Designations

The site is not within a designated area; however the following European Designated sites are within 5 km of the appeal site:

- Bray Head SAC (Site Code 000714) – circa 2 km to the north
- Glen of the Downs SAC (Site Code 000719) – circa 2.7 km to the west
- The Murrough Wetlands SAC (Site Code 000730 – circa 3 km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of Wicklow County Council to refuse permission and have engaged the services of PD Lane Associates to prepare the appeal.

The following comments are made:

- Increased densities should be encouraged on residentially zoned lands in close proximity to suitable public transport.

- The submitted development strikes a balance between the need for additional housing and respecting the character of the Burnaby, an ACA.
- Full regard has been had to the previous applications on this site and those in the immediate area.
- The scale of house is much reduced from that previously submitted. More private amenity space is provided and the set back of the house from the public roads, is increased.
- The proposed house is appropriate having regard to the wide range of house types to be found in the immediate area.
- A suitable driveway arrangement onto the Whitshed Road can be provided and which will not give rise to any traffic safety issues.
- Photographs and details of similar infill developments in the Burnaby have been provided in the attached Appendix.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

Observations have been received from the Burnaby Residents Association and from individuals. Michael Bannon of 'Moorlands' has engaged the services of Tom Phillips + Associates to prepare a response.

The main planning issues include:

- Support for the protection of the Burnaby ACA.
- Nothing different from previous applications; applicants appear to be trying to continuously apply for permission until they get their way.
- The development is out of character with the area and would set a poor precedent for similar development.
- The Burnaby Residents Association have commissioned an assessment of the Burnaby Estate by 7L Architects with an intention of making a submission to the

Wicklow County Development Plan review. Findings to date have recognised the importance of the character of the Burnaby Estate.

- Application should be assessed on its own merits and not rely on precedents that may not be relevant.
- Support given for the decision as issued by Wicklow County Council.
- Concern about traffic safety through the opening of an unauthorised entrance.
- Impact on existing trees etc. will be negative if this development is permitted.
- Concern about site drainage.
- Concern about overlooking as the proposed house will be 3 m higher than 'Glanseskin', the house it faces.
- The proposed development is contrary to the 'Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019'.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle and Nature of Development
- Impact on the Architectural Conservation Area (ACA)
- Design and Impact on Residential Amenity
- Access and Transportation
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle and Nature of Development**

7.2.1. The proposed development consists of the subdivision of an existing site, the provision of a detached house and a revised vehicular access arrangement to serve the existing and the proposed houses. The existing house, Whitshed Lodge, will be provided with a private amenity area of 419 sq m and the proposed house will be

provided with a private area of 313 sq m. Both sites will be approximately 0.1 hectares in area thereby providing for a density of 10 units per hectare.

- 7.2.2. The site is zoned R10 – Residential and the proposed development is acceptable in terms of this zoning objective and also is in accordance with the indicative density of this zoning objective.

7.3. Impact on the Architectural Conservation Area (ACA)

- 7.3.1. I have noted the Wicklow County Council – Case Officers report/ subsequent recommended refusal and in particular the emphasis on the negative impact on the Burnaby Architectural Conservation Area (ACA). From the site visit it was evident that the Burnaby has a distinctive character that is unusual in an Irish context. The development of this area was influenced by the nearby railway line/ station, however, unlike in other locations throughout the country, the density was kept low. Combined with the Greystones Golf Club located at the end of the Whitshed Road, the pattern of development for a significant proportion of Greystones to the south of a line to the west of Greystones station is of a low density of development with extensive tree/ vegetation planting. To the north of this fictitious line, the density is much higher and is higher again to the very south of Greystones at Charlesland.
- 7.3.2. The Greystones – Delgany and Kilcoole Local Area Plan (LAP) 2013 – 2019 states that *'The Burnaby as an historic residential suburb is not alone locally distinct but also of national interest'*. The LAP goes on to say that there is a range of architectural styles within The Burnaby and that not all *'buildings merit protected status and retention'*. The demolition of buildings is not prevented and *'subdivision of dwelling into apartments, extensions, change of use and/or infill development'* are not precluded. *'However such development may only be permitted provided they are in accordance with the policies and objectives of the Architectural Conservation Area'*. Original railings, hedging etc. are encouraged to be retained.
- 7.3.3. The proposed development does not include the demolition of any buildings and the impact on the boundary treatment to facilitate the development is considered to be acceptable. However, it is considered that the proposed development would erode the character of The Burnaby and set a poor precedent for similar development in the area. The low density of development, extensive tree/ vegetation planting, boundary railings and grid layout framed by narrow footpaths sets the character of

the area. Whilst the density is low, infill development could negatively impact on residential amenity and would erode the character of the area. Existing houses are afforded generous areas of private amenity and are significantly set back from the roadside edge; Whitshed Lodge is 56.8 m from Whitshed Road and 33 m from Portland Road North. The proposed house would be 15.3 m from Portland Road North which is similar to that of the adjoining Anjo Lodge. However, the proposed house would appear cramped on site located between the two aforementioned houses and Glanseskin to the south. The applicant has proposed a relatively small house on this site in an attempt to address previous reasons for refusal. Whilst infill development is not precluded on these lands, I do consider that the impact of such an infill house on the area would be unduly negative and would erode the character of the area.

7.3.4. The proposed access to the subject house is somewhat contrived and would in itself result in the erosion of the character of the area. Long parallel driveways are not a feature of the area and the location of the proposed development would not be visually acceptable.

7.3.5. I have had full regard to National Guidance and in particular the need to increase densities in appropriate locations. The subject site would initially appear to be such an appropriate location as it is located within 650 m of Greystones station which is served by DART, Commuter and Intercity rail services. However, the statement that The Burnaby is of national interest, indicates that it should be protected from inappropriate infill development. There may be an opportunity to develop sites and to increase the density of housing on the overall lands of The Burnaby, however the consideration of such infill development may have to be subject to a plan led scheme, which would have to have full regard to the background and quality of the ACA. The NIAH in describing Glanseskin, located to the south of the subject site, references the large garden and the tree-line suburban street; these are recognised as important features in providing the setting and layout of the Burnaby.

7.4. **Design and Impact on Residential Amenity**

7.4.1. The proposed house is relatively small in the context of the existing adjoining sites on which large houses are located. The proposed house to provide for three bedrooms and a stated floor area of 138.98 sq m. Habitable floor space and private

amenity space provision are acceptable. The design of the house is acceptable for this location.

- 7.4.2. The house has been carefully designed such that overlooking leading to a loss of privacy are not foreseen. Windows at ground floor level are provided on the south west and north eastern elevations. Windows on the south east elevation are narrow slit type windows ensuring the privacy of the property to the south is protected. First floor windows are primarily in the form of rooflights with dormers provided to the north west and south east roof profiles, which are designed to prevent easy overlooking.
- 7.4.3. The applicant clarified by way of unsolicited further information that only one tree (numbered 1032) was to be removed on the 'Whitshed Road' side of the development. I note that the submitted Arborist plans indicate that a number of trees around the site of the proposed house are proposed for removal. These are primarily Category C though there is one Category B tree. Individually the removal of these trees may not be significant, but the large-scale clearance of the western section of the site to facilitate the development of the house would have a significant visual impact on the setting of this section of Portland Road North. There would be a thinning out of the existing extensive vegetation found on site and any replacement trees will take time to establish themselves in this location.
- 7.4.4. Austen Associates were engaged by the applicant to prepare a 'Landscape and Visual Impact Assessment' and this was submitted with the application. This has found that there would be no significant long-term landscape or visual impacts and the visual impacts would be minor subject to the implementation of proposed mitigation measures. I have noted this report and I would disagree with the conclusions in that the setting of the ACA would be immediately impacted upon by the loss of the trees etc. In turn this would result in a loss of character of the area and a potential loss of residential amenity. This is a high quality assessment, but is focused on the impact on landscape/ natural environment rather than being a visual assessment of the urban environment/ impact on the introduction of a new structure into the area.

7.5. Access and Transportation

7.5.1. Drawing No. R-34-3 – Site Layout Plan, clearly indicates that the entrance arrangement to Whitshed Road can be carried out within the red line boundary of the site. This is acceptable and having regard to the location of the site within an urban area, I do not foresee a traffic hazard arising from this layout and I consider that the applicant has addressed the second reason for refusal as issued by the Planning Authority.

7.6. **Other Issues**

7.6.1. Site drainage was raised as an issue in the observations. I consider that this issue may be addressed by way of condition and no concern was raised by the Planning Authority in their assessment.

7.7. **Appropriate Assessment Screening**

7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

8.1. I recommend that permission be refused for the following reason and considerations as set out below.

9.0 **Reasons and Considerations**

The site of the proposed development is located within 'The Burnaby', which is a low density area of historical and architectural interest, composed mainly of large, family style homes located on generous sites and is located within a designated Architectural Conservation Area (ACA) of National interest, as set out in the 'Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019'. It is considered that the proposed development would be out of character with the existing pattern of development in the area, would represent a cramped form of development in 'The Burnaby' Architectural Conservation Area, would conflict with the objectives of the planning authority for the area and would, therefore, be contrary to the proper planning and sustainable development of the area. Furthermore, it is considered that

the siting and scale of the proposal results in an overbearing form of development that would be contrary to Objective HER12 of the 'Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019' in that the development would erode the character of the ACA. The proposal would, therefore, seriously injure the character of the area and would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

13th February 2020