



An
Bord
Pleanála

Inspector's Report ABP 306351-20

Development	Construction of 2 no. two-storey detached houses with entrances onto St. Vincent Road, ancillary works and the demolition of 3 no. garden sheds.
Location	Burleigh Lodge, St. Vincent Road, Burnaby, Greystones, Co. Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	191143
Applicant	Listy Byrne
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Listy Byrne
Observers	Conor Lucey
Date of Site Inspection	6/3/2020
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011	8
5.3. Natural Heritage Designations	8
5.4. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Observations.....	11
7.0 Assessment.....	13
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19

1.0 Site Location and Description

- 1.1. The appeal site is located at Burleigh Lodge, St. Vincent Road, Greystones, Co. Wicklow. It is situated within the Burnaby Architectural Conservation Area which is a historical residential suburb both locally distinct and of national interest. There is a mix of architectural styles within the Burnaby and the main features consist of large plots with buildings set back from the edge of the plot, low boundary railings of cast iron with hedges, and dwellings in the arts and crafts and domestic revival style.
- 1.2. The stated area of the appeal site is 0.2515 hectares. The site comprises the northern section of the plot of Burleigh Lodge. The site contains mature trees, hedges, shrubs and a number of sheds.
- 1.3. Burleigh Lodge is a large two-storey detached dwelling in the Domestic Revival style. The property is listed in the National Inventory of Architectural Heritage (NIAH) and is categorised as being of regional importance. Surrounding properties on the opposite side of St. Vincent Road area also listed in the National Inventory of Architectural Heritage (NIAH) and is categorised as being of regional importance.
- 1.4. Dunaree the neighbouring dwelling to the north is situated circa 25m from the site boundary. To neighbouring property to the east of Burleigh Lodge and circa 18m south of the site is the dwellings Sunnyside an Edwardian single storey villa.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 2 no. two-storey detached houses of 341sq m and 228sq m with entrances onto St. Vincent Road, ancillary works and the demolition of 3 no. garden sheds with a combined area of 88sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons;

1. 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 a national interest. The

policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 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.

Having regard to:

- The location of the site on St. Vincent Road and the prevailing pattern of development in the area,
- The site size,
- The pattern and form of development proposed, in particular: the limited separation distances between the proposed units and between the units and site boundaries, the lack of circulation space afforded to the proposed units, the location of House A which breaks the building line on St. Vincent Road,

It is considered that the proposed development would give rise to a cramped, haphazard and incongruous form of development on St. Vincent Road, 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 degrade and detract from the character of The Burnaby Architectural Conservation Area.

The proposed development would therefore be contrary to the provision of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019, would set an inappropriate precedent for similar development within the ACA, and would be contrary to proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of serious traffic hazard because the applicant has failed to demonstrate that safe entrances, in terms of sightline distances, can be provided to serve the proposed development.
3. Having regard to:
 - The location of the proposed development within the Burnaby Architectural Heritage Area – an area known for its distinctive green sylvan character,

- The site which incorporates a number of mature trees and shrubs and which incorporates part of the area subject to Tree Protection Objective T18,
- The lack of an Arboricultural Impact Assessment (AIA)

It is considered that the applicant has failed to demonstrate to the satisfaction of the Planning Authority that the proposed development would not result in the loss of or damage to mature trees and it is therefore considered that the proposed development would be contrary to objective HER4 of the Greystones, Delgany and Kilcoole Local Area Plan which seeks to protect and retain trees which contribute to the biodiversity value and character and amenity of the area and would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that while the site would be suitable for infill development it is not considered that the site can accommodate two dwellings as proposed. In relation to vehicular access arrangements it was considered that the applicant failed to demonstrate safe entrances in terms of sightline distances. The presence of a number of mature trees and shrubs on the site was noted and it was concluded that in the absence of an Arboricultural Impact Assessment that the applicant had not satisfactorily demonstrated that the proposed development would not result in the loss of damage to mature trees.

3.2.2. Other Technical Reports

Municipal District Engineer – The lands shown in Blue as well as some of the land shown as being part of Plot B are not registered to the applicant and so evidence of consent of the landowner is required. The sightline drawing states that unobstructed views are provided, however, there is clearly a large mature tree obstructing the views of the entrance to plot A in both directions. The roadside boundary is not accurately surveyed and does not reflect the change to the road which was carried out in 2016. The entrance to plot A may benefit from better sightlines if it were moved further south. The entrance to plot B should be set back with splay walls to

allow for a widening of the public footpath around the existing tree between the tree and the property boundary.

3.3. **Prescribed Bodies**

Irish Water – Further information requested regarding the submission of a revised site plan clearing showing individual connections to the foul sewer for each dwelling.

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received two submissions/observations in relation to the application. The issues raised are similar to those set out in the observation to the appeal.

4.0 **Planning History**

Neighbouring Sites

PA Reg. Ref. 17/904 – Permission was granted for the reinstatement of the existing dwelling following fire damage.

PA Reg. Ref. 15/513 & PL27.245268 - Permission was refused for the construction of a first floor extension to the property 'Sunnyside' to the east of the site. Permission was refused on the basis that it would result in the effect loss of character of the original dwelling a single storey Edwardian villa and that it would adversely impact upon the pattern of development, the special character of St. Vincent Road and would adversely affect the Architectural Conservation Area

PA Reg. Ref. 12/6232 - Permission was granted for a single storey extension to the property 'Sunnyside' to the east of the site.

PA Reg. Ref. 10/3087 & PL27.238792 – Permission was refused for the demolition of dwelling and construction of a new dwelling at 'Sunnyside'. Permission was refused for two reasons. The first reason refers to the proposed dwelling being unduly dominant and would seriously injure the Burnaby Architectural Conservation Area. The second refusal reason referred to the development which involved the demolition of an original Burnaby estate house not being satisfactorily justified having regard to the provisions of the Architectural Heritage Protection Guidelines.

PA Reg. Ref. 102573 – Permission was granted for a two-storey dwelling on a 0.175 hectare site at The Gables, Whitshed Road.

PA Reg. Ref. 102572 – Permission was granted for a two-storey dwelling on a 0.258 hectare site at The Gables, Whitshed Road.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned existing residential 'R10' in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (adopted September 2013) with the objective "To provide for the development of sustainable communities up to a maximum density of 10 units per hectare and preserve and protect residential amenity".
- 5.1.2. The site is located within the Burnaby Architectural Conservation Area.
- 5.1.3. Section 9.2 refers to built and natural heritage. Objective HER12 seeks 'to preserve the character of Architectural Conservation Areas (ACA's) in accordance with Appendix B. Objectives that apply to ACA's include;
- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACA's.
 - The buildings, space, 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.
- 5.1.4. It is also set out in this section that new building should be of their own time in appearance and should not replicate the style and detailing of heritage building.
- 5.1.5. Appendix 1 of the Wicklow County Development Plan 2016-2022, sets out requirements for new residential development in relation to on-site car parking and private open space per unit.

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

- Section 13.8 refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area.
- 13.8.3 – The extent of the potential impact of proposals will depend on the location of new works, the character and quality of the proposed structure, its designated landscape and its setting, and the character and quality of the ACA. Large buildings sometimes at a considerable distance, can alter views to or form a protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of the ACA.

5.3. **Natural Heritage Designations**

None

5.4. **EIA 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 John Stewart & Associates on behalf of the applicant Listy Byrne.

- The site is stated as being in the ownership the applicant Listy Byrne and her brothers and sisters who are executors and beneficiaries of the Estate of their late mother Mrs Anne Byrne.

- Regarding the proximity of trees to the vehicular entrance, it is noted that permission was granted for an entrance at Dunaree which has a maple tree circa 9m from the gate pier. The proposed vehicular entrance to House A has a tree located 15m away and the entrance to House B has a tree 8m away. It is noted that as the tree trunks are at a lower level they would only partially obscure sightlines.
- Since the site survey was carried out the road width of St. Vincent Road has been reduced to circa 5.5m with the addition of grass beds. A revised plan indicating this has been submitted with the appeal. It is noted that as there are no yellow lines restricting parking along St. Vincent Road it is in use for parking. This has resulted in the road only being able to accommodate cars moving in one direction at a time. This restriction in traffic movement has resulted in low vehicular speed along St. Vincent Road. It is submitted that these road and traffic conditions should be considered when assessing the required sightlines at the proposed vehicular entrances.
- It is not considered that moving or enlarging the proposed entrance to House B would not improve visibility.
- In relation to the proposed diverting of the existing drain, this has been accepted by the Planning Authority as being within ancillary works.
- It is noted that the adjoining site owned and developed by Beatty and McKone consists of 2 no. large infill houses on similar sites.
- Regarding the matter of building line, Sunnyside is setback 11.5m from its boundary and Dunaree is 15 from its boundary. Therefore, it is considered that there is no established building line along the western side of St. Vincent Road. If the issue of building line however assessed house A would be set forward 1.4m from Sunnyside. It is submitted that in the entire old section of the Burnaby there are only two roads where houses adhere to a building line.
- The location of the two new vehicular entrances are likely to reduce congestion on the road as they would reduce the level of parking along St. Vincent Road.

- The established pattern of development in the area is that of the adjoining sites. It is noted that under Reg. Ref. 102573 and Reg. Ref. 102572 permission was granted for two dwellings to the west of the site. These dwellings were built on sites of circa 0.17 hectares and granted permission on the basis of 10 houses per hectare.
- It is submitted that the density of development at 10 houses per hectare based on a house being 125sq m was not required in the case of the cited examples. Therefore, it is argued that as the density set out in the Development Plan of 10 houses per hectare was not previously dependent on the size of the house to be built then this criteria should not be attached to the current proposal.
- The proposed dwellings have been setback from the road and it is proposed to retain the plot boundaries as existing. The proposed dwellings would form part of the eclectic mix of single storey, bungalows, villas and two-storey dwellings in a similar style to the Arts and Crafts and domestic revival style.
- A revised map has been submitted with the appeal indicating the revised road layout on St. Vincent Road. The proposed sightlines are indicated on the drawing.
- In relation to the impact on existing trees the appeal refers to an Arboricultural Impact Assessment, however I note that none was provided on file. It is set out in the appeal that the scheme has been designed to maintain the established internal hedges. The only substantial trees on the site are located on the ditch line to the southern side of the 'Pleasure Gardens' and no development is proposed be carried out in that location.
- Should the Board require it, a further area of land is available to the rear of the site which could be included in the gardens of the proposed dwellings to increase the site area for the properties.
- It is requested that the Board consider that the proposed density would be in accordance with the provisions of the Development Plan and that proposed development would not impact upon the character or pattern of development of the Burnaby.

6.2. Observations

An observation to the appeal was submitted by David Mulcahy Planning Consultants Ltd on behalf of Conor Lucey. The issues raised are as follows;

- In relation to the matter of built heritage the appeal states that the only matter which the Planning Authority had issue with was excessive density. The observation states that this is not the case as the first reason for refusal refers to the prevailing pattern of development, building line, limited separation distances between the proposed dwellings and lack of circulation space.
- The report of the Planning Officer concluded in relation to the residential density that “to permit infill development that does not ‘fit’ within the established form and pattern of development would erode the character of the Burnaby which would be contrary to the proper planning and development.”
- While there is no specific reference to excessive density in the first reason for refusal, it is set out in the observation that it is inherent in the reference to the proposed development being ‘cramped’.
- It is submitted that the proposed development will significantly alter the pattern of development in the area by introducing smaller infill plots to an area which is characterised by large dwellings, on large plots set in a sylvan setting.
- In relation to the proposed building line it is submitted that the breaking of the building line is inappropriate and will result in the dwellings appearing more prominent from the public road. It is noted that other dwellings in the area are characterised by generous setbacks from the public road. The proposed development would be highly visible from St. Vincent Road and would impact upon the ACA.
- The appeal refers to a precedent for infill development in the Beaty/McKane case. It is highlighted in the observation that the cited precedent is entirely different as the development was on larger plot and that the dwellings sit within mature tree planting and therefore the dwellings are only visible from the entrance.
- It is noted that no visual impact assessment was submitted with the appeal.

- The observation raises serious concerns in relation to the proposed sightlines indicated for both new vehicular entrances. The sightlines at the entrances onto St. Vincent Road would be blocked by existing mature trees located along the street. It is highlighted that the trees are publicly owned and that their removal is outside the control of the applicant. No consent has been provided for the removal of the trees and in the absence of their removal satisfactory sightlines cannot be achieved. It is noted that sightlines are also impacted by vehicles parking on the western side of St. Vincent Road.
- It is argued in the appeal that the parked cars improve traffic safety as they slow traffic in the area. The observer notes that cars are only parked at the location during office hours and that adequate sightlines must be available at all times.
- It is noted that St. Vincent Road is used as a rat-run for traffic by-passing the town and that the area experiences commuter traffic.
- The observation refers to the presence of five mature trees along the western side of St. Vincent Road between the junction of Portland Road and Whitshed Road.
- In relation to the existing trees on site it is noted that a number of their root protection area would be compromised by the close proximity of the proposed development.
- No details were submitted in respect of foul drainage, surface water drainage or water supply. Irish Water in their report stated that the development may layout. Irish Water requested further information. The matter was not addressed in the appeal.
- It is noted that the dwelling 'Sunnyside' to the south of the site has been inaccurately represented in the elevational drawing of St. Vincent Road as a dormer dwelling. It is confirmed that 'Sunnyside' is a single storey property and has always been single storey.
- The site location map does not show the full extent of the blue line boundary showing the adjoining lands in the ownership of the applicant. The blue line is

indicated on the site layout plan, however it does not show the full extent of the lands owned to the north.

- The drawings refer to a 'diverted drain' to the rear of house B. However, it is unclear if this is existing or proposed. It is noted that the Planning Officer's report seeks further information regarding the drain. This matter was not addressed in the appeal. Concern is expressed at potential flood risk in relation to the drain.
- In conclusion, it is submitted that the appeal has not provided a robust argument to overcome the Council's reasons for refusal. It is therefore requested that the Board refuse permission.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal submitted. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of the development and impact on the ACA
- Vehicular Access
- Impact on Trees
- Appropriate Assessment

7.1. **Principle of the development and impact on the ACA**

- 7.1.1. It is proposed to develop two new dwellings on St. Vincent Road within the Burnaby Architectural Conservation Area. The site is zoned objective 'R10' existing residential in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 with the objective "To provide for the development of sustainable communities up to a maximum density of 10 units per hectare and preserve and protect residential amenity". As set out in the Local Area Plan, the density is based on a typical house size of 125sq m gross floor area. The maximum total number of dwelling units permitted on a site is calculated based on the total gross floor area of units on site.

- 7.1.2. The subject site has an area of 0.2515 hectares. House A has a proposed gross floor area of 341.62sq m and House B has a proposed gross floor area of 231.53sq m. The total gross floor area proposed is 573.15sq m. Based on a standard house size of 125sq m the proposed floor area would be equivalent to 4.59 dwelling units. The proposed density on site based on this standard house size as set out in the Local Area Plan would be 18 dwellings per hectare. Therefore, the proposed density of development would exceed the density of development permissible in the Burnaby under the 'R10' zoning objective.
- 7.1.3. The report of the Council's Planning Officer in assessing the matter noted that while the permitted density on the site is low when compared with most suburban areas, the permitted density is based on the established form and pattern of development within the Burnaby ACA. The first reason for refusal issued by the Planning Authority determined that the proposal would give rise to a cramped, haphazard and incongruous form of development on St. Vincent Road which does not reflect the traditional sylvan and spacious garden pattern of the ACA.
- 7.1.4. It is argued in the appeal that it is not appropriate to base the density calculation on a house being 125sq m. They cite a couple of examples (Reg. Ref. 102573 and Reg. Ref. 102572) of infill dwellings granted permission with access from Whitshed Road to the west of the site. They note that those dwellings were built on sites of circa 0.17 hectares and 0.258 hectares. I note that the cited examples were subject to the provisions of the previous local area plan and therefore I would not accept this rationale.
- 7.1.5. The Burnaby ACA is characterised by a large detached houses on extensive plots, setback from the street and location within mature tree planted gardens. Therefore, it is important to ensure any new infill development maintains this character and pattern of development which defines this historic residential garden suburb.
- 7.1.6. Architectural Heritage Protection Guidelines for Planning Authorities, DoEHLG, 2011 provides guidance in relation to development affect the setting or a Protected Structure or an Architectural Conservation Area. Section 13.8 of the Guidelines states that the extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the proposed structure, its designated landscape and its setting, and the character and quality of the ACA. It is stated that

proposals should not have an adverse effect on the special interest of protected structure or the character of the ACA.

- 7.1.7. Objective HER12 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 refers to Architectural Conservation Areas and states that it is an objective to protect the character of Architectural Conservation Areas in accordance with Appendix B and Map B of the Plan and to ensure that development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACA's and that the design of any development in an ACA, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- 7.1.8. The properties surrounding the site are original Burnaby estate houses which contribute significantly to the character of the streetscape. These include 'Burleigh Lodge to the west which is listed in the National Inventory of Architectural Heritage (NIAH) and is categorised as being of regional importance. Sunnyside to the east is an Edwardian villa and Dunaree is to the north. These dwellings are setback from their front boundaries and set away from the closest neighbouring properties.
- 7.1.9. The design of the proposed dwellings is a contemporary interpretation of the 'Arts and Crafts Style'. In terms of the merits of the proposed design I consider that it does reflect the design and character of the existing dwellings in terms of provision of steeply pitched tiled roof, dormers, half timbering, ornate bargeboards and overhanging eaves to create a veranda. Section 9.2 of the LAP refers to development in ACA's and advises that new building should be of their own time in appearance and should not replicate the style and detailing of heritage building. While, this provision of the LAP is noted, I am satisfied that the proposed house design includes some more contemporary elements including floor to ceiling height windows.
- 7.1.10. In relation to the siting of the dwellings, a minimum separation distance of 7m is proposed between the two properties. This is considerably closer than separation distances provided between the surrounding original Burnaby dwellings. The matter of building line is raised in the appeal and observation to the appeal. It is contended in the appeal that there is no established building line along the western side of St. Vincent Road. The neighbouring property to the south of the site 'Sunnyside is setback circa 13m from its front boundary and the property to the north of the site

'Dunaree' is setback 14m from its front boundary. Proposed House A is set forward of the House B on site and would be situated 9.5m from the front site boundary. Therefore, the proposed development would be set forward circa 3.5m from the front building line of the two existing dwellings and as such would not reflect the established pattern of development along St. Vincent Road. Having regard to the overall site area of the 0.215 ha and the proposal to construct the two dwellings on site the proposed development would result in a cramped uncharacteristic pattern of development which does not reflect the established pattern of development of the Architectural Conservation Area and therefore is contrary to objective HER12 of the Local Area Plan.

- 7.1.11. The proposed dwellings when view from St. Vincent's Road would appear in close proximity with House B being setback behind House A. The proposed siting and layout would be out of character with prevailing pattern of development within the ACA and therefore would seriously injure the visual amenity and character of the Burnaby Architectural Conservation Area.
- 7.1.12. Furthermore, should permission be permitted for the proposed development it would establish a precedent for similar development in the area which would be detrimental to the character of the Architectural Conservation Area.
- 7.1.13. Accordingly, I would consider that having regard to the form, scale and character of the proposed development that it would adversely impact upon the ACA and would be contrary to the provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.

7.2. Vehicular Access

- 7.2.1. The second refusal reason issued by the Planning Authority refers to traffic hazard and states that the applicant failed to demonstrate that the proposed entrances would be safe in terms of sightline distances.
- 7.2.2. I note the report of the Municipal District Engineer which raised concern in relation to provision of adequate sightlines to serve the proposed entrance to House A. It was noted in the report that the submitted sightline drawing states that unobstructed views are provided, however, there is clearly a large mature tree obstructing the views of the entrance to plot A in both directions. It was also noted in the report that

the roadside boundary was not accurately surveyed and the submitted drawing did not reflect the change to the road which was carried out in 2016.

- 7.2.3. In response to the matter a revised site plan Drawing No: 1905 (P) 1a was submitted with the appeal. The drawings illustrates the upgraded road layout of St. Vincent Road. The drawing indicates the sightlines to both vehicular entrances. It is stated on the drawing that sightlines in excess of 80m are provided at the two vehicular entrances in both directions. However, there is an existing mature trees planted within the footpath circa 9m to the north of the vehicular entrance to House A and another tree located circa 12m to the south of the proposed entrance. These trees are located on lands outside the control of the applicant and their presence would obstruct the sightlines to the north and south from the proposed entrance.
- 7.2.4. In relation to the proposed vehicular entrance to House B there is a mature tree located approximately 5m to the north of the entrance. Regarding the proximity of existing trees to the proposed vehicular entrances it is noted in the appeal that permission was granted for an entrance at Dunaree which has a maple tree circa 9m from the gate pier. I note that Dunaree is an original property within the Burnaby and the permission referred to an existing vehicular access.
- 7.2.5. It is argued in the appeal that the trees to the north and south of House A and B would not impact sightlines because the tree trunks are at a lower level they would only partially obscure sightlines. I do not consider it would be appropriate to permit the development of two additional entrances where sightlines are obscured or partially obscured.
- 7.2.6. The appeal also refers to the presence of parked cars along the western side of St. Vincent Road and notes that with the narrowing of the carriageway to 5.5m that when there are parked cars the road is only able to accommodate cars moving in one direction at a time. It is submitted in the appeal that this restriction in traffic movement along St. Vincent Road should be considered when assessing the required sightlines at the proposed vehicular entrances. While I noted the presence of parked cars along the western side of St. Vincent Road to the north of the appeal site on inspection of the site, I do not consider this would mitigate the requirement for unobscured sightlines because parking and traffic conditions on the road are subject to change.

7.2.7. Therefore, having regard to the restricted sightlines in a northward and southward direction at the proposed vehicular entrance to House A due to the presence of mature trees and in the absence of details and proposals to improve sightlines I consider that the proposed development would endanger public safety by reason of traffic safety.

7.3. Impact on trees

7.3.1. Mature trees and vegetation on site and on the surrounding properties form an important part of the sylvan character of the Burnaby Architectural Conservation Area. It is therefore important to retain as much existing vegetation as possible. I note that there is no tree survey or Arboricultural Impact Assessment on file. The third reason for refusal issued by the Planning Authority refers to the presence of a number of mature trees and shrubs on the site which includes part of the area subject to Tree Protection Objective T18. The Planning Authority considered that in the absence of an Arboricultural Impact Assessment (AIA) that the applicant did not demonstrate that the proposed development would not result in the loss of or damage to mature trees.

7.3.2. In response to the matter it is highlighted in the appeal that the scheme has been designed to maintain the established internal hedges on site. The appeal notes that only substantial trees on the site are located on the ditch line to the southern side of the 'Pleasure Gardens' and no development is proposed be carried out in that location.

7.3.3. While I note the point made by the appellant that the proposed dwellings would be sited away from the majority of existing mature trees, having regard to the Tree Protection Objective T18, which refers to the site and in the absence of a detailed tree survey and Arboricultural Impact Assessment I am not satisfied that the sufficient information has been provided to ensure that the proposed development would not encroach upon the root protection zone of trees on site.

7.4. Appropriate Assessment

7.4.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, 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 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. To refuse permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. 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 2013-2019 seek to preserve the character of such Architectural Conservation Areas. 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 Objective HER12 of the Greystones-Delgany and Kilcoole Local Area Plan 2019. Furthermore, in the absence of sufficient detail the Board is not satisfied that it has been demonstrated that the proposed development would not result in the loss or damage to mature trees on site which contribute to the sylvan character of the area. The proposed development would, therefore seriously injure the visual amenity and character of the Burnaby Architectural Conservation Area, would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the restricted sightlines in a northward and southward direction at the proposed vehicular entrance to House A due to the presence of mature trees. It is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road

users and would, therefore, be contrary to the proper planning and development of the area.

Siobhan Carroll
Planning Inspector

5th of May 2020