



An
Bord
Pleanála

Inspector's Report

ABP-306935-20

Development	Construction of extension to side of house and new garage with studio apartment.
Location	Coolhaven, Brighton Road, Foxrock, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0997
Applicant(s)	Carole & Bruni Vidalinc
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Carole & Bruni Vidalinc
Date of Site Inspection	07 th July 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2084 hectares, is located in Foxrock a short distance to the west of the M50. The appeal site is located on the western side of Brighton Road with Leopardstown racecourse located to the east of the site. The appeal site is occupied by a two-storey dwelling ('Coolhaven') with a detached garage to the rear. To the north the site is a large detached dwelling. To the south and west is Brighton Wood, which is a development of two-storey dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of outbuildings to the side and rear of existing house, external insulation, replacement of existing windows, front porch, alteration to existing dormer windows to front and rear, new Velux type window in the front roof, new garage with studio apartment over in the front garden, some internal alterations and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. The existing house, Coolhaven, is a good example of the Irish Arts and Crafts movement and therefore, it is considered to make a positive contribution to the character of the Foxrock Architectural Conservation Area. The proposed works to the house by reason of its design, scale and detail would constitute a form of development which is out of character with the original design and character of this building. The proposed development would therefore visually impact a building of note and would seriously injure the visual amenity and character of the area and is therefore contrary to Policy AR8, Policy AR12 and Section 8.2.11.13 (l) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would therefore be contrary to the proper planning and development of the area.

2. The proposed new garage with studio apartment entails the provision of a separate and independently accessed habitable unit to facilitate the provision of a studio apartment for a family member. Having regard to the nature, location and design of the proposed two storey garage and studio apartment in a designated Architectural Conservation Area the proposed development would be visually intrusive and out of character with the pattern of development in the area and would be contrary to the provisions of Policy AR12, Section 8.2.11.3 (i) and Section 8.2.3.4 (iii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (20/02/20): The proposal was considered to be an unacceptable in context of the level alteration to a structure of architectural heritage value. It also considered inappropriate to permit a standalone dwelling unit within the curtilage of the dwelling. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Drainage Planning (29/01/20): No objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Dun Laoghaire Rathdown County development Plan 2016-2022. The appeal site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

Section 6.1.4.1

Policy AR2 Architectural Conservation Areas

It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

Section 6.1.3.8

Policy AR9: Nineteenth and Twentieth century Building, Estates and Features

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.

ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Section 8.2.3.4

(i) Extensions to Dwellings

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties.

This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

(iii) 'Family Member/Granny' Flat Extension

A 'Family' or 'Granny' flat refers to a temporary subdivision of a single dwelling - often by adding an extension to the dwelling or converting an attached garage - for a subsidiary element, for use by a member of the immediate family (e.g. elderly parent) but not as a fully independent dwelling. These will be assessed against the criteria applied to 'normal' domestic extensions. The Planning Authority will generally consider such sub-division and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Applications for granny / family flats within the rural area will be assessed under the provisions of Section 8.2.3.6(vi).

Proposals should be:

- Interlinked with the primary dwelling and capable of being readily subsumed back into same.
- Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.

Permission will normally be on condition that:

- The flat can be subsumed back into the main dwelling when it is no longer required.
- It shall not be let or sold, other than as an intrinsic part of the overall property.

- Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

(iv) Detached Habitable Room

This can provide useful ancillary accommodation such as a playroom, gym or study for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house.

Any such structure shall not be to provide residential accommodation for a family member/ granny flat.

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Patrycja Rogala Architect on behalf of Carole & Bruni Vidalinc.

- The appellant notes based on research that the house was built later than the Art and Crafts period in Ireland and that there are no features of the period within the house. The appellant notes that the existing dwelling was built on a plot of land belonging to another dwelling called Fairholme House, which was built during the Arts and Crafts period and the dwelling on site mimics the external character of that dwelling.
- The appellant reiterates that the dwelling is not from the Arts and Crafts period and that the proposed alterations still respect the existing architectural character of the dwelling with the new extension to the side tying into the existing roof profile and fenestration in the new extension respecting the

proportion of windows on the existing dwelling. It is considered that the alterations are respectful to the architectural character of the existing dwellings and the area.

- The proposed new garage is a replacement garage. There is significant amount of land to the front of the existing dwelling to facilitate the new structure and the site is well screened from the public road. The structure is positioned to minimise visual impact from the public road and entrance to the site. The structure is contemporary and minimal in design and complements the period style of the dwelling.
- It is noted that the provision of a studio apartment is in accordance with national guidance. The unit is to be occupied by a family member.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Architectural heritage, character and visual amenities

Studio apartment

Appropriate Assessment

7.2 Architectural heritage, character and visual amenities:

7.2.1 Permission was refused on the basis that the existing house on site is a good example of the Irish Arts and Crafts movement and is considered to make a positive contribution to the character of the Foxrock Architectural Conservation Area. The proposed works to the house by reason of its design, scale and detail would constitute a form of development which is out of character with the original design and character of this building. The proposed development would therefore visually impact a building of note and would seriously injure the visual amenity and character of the area and is therefore contrary to Policy AR8, Policy AR12 and Section

8.2.11.13 (I) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would therefore be contrary to the proper planning and development of the area.

7.2.2 The appellant notes that the dwelling was constructed later than the Arts and Craft movement and does not feature any internal features or characteristic of this period. The existing dwelling is attractive in character however is not on the record of protected structures or on the National Inventory for Architectural Heritage and the area has been surveyed for this purpose. The site is located within a designated Architectural Conservation Area (the Foxrock Architectural Conservation Area).

7.2.3 I am satisfied based on the information submitted that the existing house on site is not a dwelling constructed during the Arts and Craft period and is not prime example of such. I am satisfied that the existing dwelling mimics the external design of an older dwelling from that period, but would however acknowledge that the existing dwelling has an attractive character and is located in a designated Architectural Conservations Area. The proposed alterations entail an extension to the side and rear, alterations to existing dormer windows and some alterations to the front elevation. I would consider that the overall scale and form of the extended portions respects the form and scale of the existing dwelling and ties in well with the existing roof profile. The proposed alterations although contemporary in style complement the external appearance of the existing dwelling and are carried out with due regard for the existing character of the dwelling, which would still be very much visible post alteration. The alterations and design are well considered and respectful of the context of the site and the character of the existing dwelling. In addition I would note that such does not significantly alter the overall scale of the existing dwelling and would have no significant impact on the visual amenities of the area or the character of the designated ACA. I would consider the reason for refusal of the alterations to the existing dwelling to be harsh and unjustified and reiterate the status of the existing dwelling in the context of both the record of protected structure and the National inventory of Architectural Heritage.

7.2.4 The proposal also provided for a two-storey flat roofed structure to the front of the dwelling with a garage at ground floor level and a one-bed apartment unit at first floor level. The proposal was refused on the basis of visual impact in part to its location to the front the existing dwelling. The proposed structure is subordinate to the existing in scale and is contemporary in design. I would consider that the location of this structure to the front of the dwelling is unusual. Such would go against the pattern of development and despite the fact there is some screening along the road side boundary (not enough to obscure views of the proposed structure), I would consider it is an inappropriate location for a structure of this scale in the context of the established pattern of development and the designation of the area as an Architectural Conservation Area. There is space and scope on site to provide this structure in a more discrete and less prominent location on site. I would consider as things stand the location of the proposed structure would be inappropriate in regards to the visual amenities of the area, the pattern of development and in the context of the area as a designated ACA.

7.3 Studio apartment:

7.3.1 The proposed two-storey detached structure to the front of the existing dwelling is to have a garage at ground floor and one bed apartment unit (40sqm) at first floor level with a cantilevered balcony area on two sides. According to the information on file the apartment unit is to be used as accommodation for a family member. Permission was refused on the basis that the proposal would be contrary Section 8.2.3.4 (iii) of the County Development Plan in relation to 'Family Member/Granny' Flat Extension. The design of the proposed apartment unit is contrary development plan policy, which specifies that such accommodation should be interlinked and capable of being subsumed into the existing dwelling when not being used as a separate entity. The structure in this case is not fully independent as it is within the curtilage of an existing, but is a separate structure with a high degree of independence from the existing dwelling. In addition there are concerns regarding its positioning on site and such was outlined in the previous section of this report.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal 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 a split decision with a grant of permission for the alterations and extension to the existing dwelling and refusal for the two-storey detached structure with garage and one-bed apartment unit.

9.0 Reasons and Considerations

Grant of permission for alterations and extension to existing dwelling.

Having regard to the scale and design of the extension and alterations proposed to the existing two-storey dwelling, which have adequate regard to the design, scale and proportions of the existing dwelling, the character of the area and its designation as an Architectural Conservation Area, the proposed development would be acceptable in the context of the visual amenities of the area and the amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11.0 Reasons and Considerations

Refusal for the two-storey detached structure with garage and one-bed apartment unit.

Having regard to the location of the proposed two-storey garage/apartment unit in the front garden of existing dwellings, to the established pattern of development and the requirements of Section 8.2.3.4 (iii) of the County Development Plan in relation to 'Family Member/Granny' Flat Extensions, the proposed development would be contrary to the established pattern of development, have an unacceptable impact on

the character of the designated Architectural Conservation Area and provide for an independent residential unit within the curtilage of an existing dwelling contrary to Development Plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and set an undesirable precedent for a similar pattern of development in the area.

Colin McBride
Planning Inspector
08th July 2020