



An
Bord
Pleanála

Inspector's Report ABP-308092-20

Development	Refurbishment of internal residential areas and construction of an extension to the rear of the house.
Location	3 Fontenoy Terrace, Strand Road, Bray, Co. Wicklow (a protected structure).
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20553
Applicant	Sinead Gorman
Type of Application	Permission
Planning Authority Decision	Split Decision of Partial Grant and Partial Refusal of Permission
Type of Appeal	First Party
Observers	None
Date of Site Inspection	11 th November 2020 & 14 th January 2021 – Second visit required to inspect the rear of the house.

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site of 0.027 hectares contains no. 3 Fontenoy Terrace, a protected structure and which is a mid-terrace house located on the south western side of Strand Road, Bray, Co. Wicklow. Fontenoy Terrace, a six-house terrace, is located on the southern end of Strand Road with the beach/ sea located to the north east, with the public road separating these houses from the beach.
- 1.2. To the south west of the site is the Bray to Greystones railway line, which is elevated above this terrace of houses. Residential development is located beyond the railway line and is further elevated above the railway. To the north west of the terrace is the former 'The Bray Head' hotel. No. 1 Fontenoy Terrace is attached to the side of the former hotel and the front building aligns with that of the hotel.
- 1.3. The site is located approximately 1.35 km to the south east of Main Street, Bray and just over 1 km to the south east of Bray railway station which serves also as an interchange with a number of different bus routes/ bus operators.

2.0 Proposed Development

The proposed development consists of the general refurbishment and updating of the existing no. 3 Fontenoy Terrace, Strand Road, Bray to specifically include the following:

1. The forming of a new opening to the side wall of the rear return / removal of internal kitchen wall at ground floor to form new kitchen.
2. New internal WC at ground floor level.
3. The removal of an existing shed to form new garden area.
4. The construction of a lean-to extension to the rear of the property/side of the return to form new dining area.
5. At 1st floor level (return) works include the removal of internal wall between bedroom and kitchen to form new bedroom with ensuite bathroom.
6. Works to include landscaping and the installation of a new retaining wall to the rear of the property.

The application is supported with a 'Conservation Report' prepared by Alfred E. Jones and a 'Planning Report' prepared by Carew Kelly Architects.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to issue a split decision; a refusal of permission for the 'forming of a new opening to the side wall of the rear return / removal of internal kitchen wall at ground floor to form new kitchen, the construction of a lean-to extension to the rear of the property/ side of the return to form new dining area which includes the removal of a window to the ground floor living room no. 2 for the following reasons:

1. 'It is considered that the proposed development, would result in the loss of an integral functional space to the rear of the house and would constitute overdevelopment of this restricted site and would result in works that would significantly erode the form and character of the existing rear return which is a unique feature that contributes positively to the character and setting of the protected structure. The proposed development would erode the existing residential amenity of the property and would adversely affect the protected structure. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area and would set an undesirable future precedent for similar types of development.
2. The proposed development would seriously injure the amenities of adjoining residential property by virtue of loss of light and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

The Planning Authority decided to grant permission for the remaining elements of the development subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to part grant and part refuse elements of the development as applied for. In relation to the refusal of permission, the concerns

referred to impact on residential amenity through loss of private amenity space and lack of light entering the house and also due to the impact on the protected structure.

3.2.2. **Other Technical Reports**

None.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Objections**

A single submission was received from R. Fitzpatrick who supports the general development of no.3 Fontenoy Terrace, but also raises the following issues:

- Concern about the potential impact on structural integrity through the removal of an internal wall in the kitchen area. This could impact on the integrity of no. 3 and also no. 4 as the return is one section of building.
- Query about the removal of the internal kitchen fireplace and a section of wall, again potential structural integrity issues.
- The removal of slates which may be of asbestos has to be done in a careful/controlled manner.
- Query if there is sufficient space to the rear for the construction of the proposed extension.
- Query if the modern style of proposed extension is acceptable in terms of building regulations and architectural conservation prospective.
- Need for a plan to carry out the works and ensure that they do not impact on the residential amenity of the area.

4.0 **Planning History**

None on site.

The following refer to no. 4 Fontenoy Terrace:

P.A. Ref. 18/1240 refers to a January 2019 decision to grant permission for the installation of a Velux rooflight on the rear roof, the installation of solar panels on the rear roof, the installation of a ground floor WC and minor internal alterations at first floor level.

Permission was refused for the construction of a single storey, hardwood pitched roof conservatory to the rear in the style of existing dwelling, replacement of existing PVC framed openings with hardwood timber at the rear, the creation of a new ground floor hardwood window ope at the rear, the conversion of an existing window ope to a hardwood door ope at the rear, the creation of a new hardwood window ope at first floor level at the rear.

The reasons for refusal included:

1. 'It is considered that the proposed development, comprising the development of the remaining private open space area to the rear of No. 4 Fontenoy Terrace, would result in the loss of an integral functional space to the rear of the house and would constitute overdevelopment of this restricted site. The proposed development would erode the existing residential amenity of the property and would adversely affect the protected structure. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would seriously injure the amenities of adjoining residential property by virtue of loss of light and overbearing impact. In addition, the utilization of the adjoining embankment as private open space beyond the site as compensatory private amenity space would result in significant overlooking of adjoining properties and loss of privacy in Fontenoy Terrace. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

P.A. Ref. 16/688/ ABP Ref. PL27.247180 refers to a January 2017 decision to refuse permission for an extension to rear of house and associated site works to a protected structure.

The following reasons for refusal were issued:

1. 'It is considered that the proposed development, comprising the development of the remaining private open space area to the rear of No. 4 Fontenoy Terrace, would result in the loss of an integral functional space to the rear of the house,

would constitute overdevelopment of this restricted site that would significantly erode existing residential amenity, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would seriously injure the amenities of adjoining residential property by virtue of overshadowing and overbearing impact. In addition, the utilization of the adjoining embankment as private open space beyond the site as compensatory private amenity space would result in significant overlooking of adjoining properties and loss of privacy in Fontenoy Terrace. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Wicklow County Development Plan 2016 – 2022 is the statutory plan for Co. Wicklow. Appendix 1 refers to ‘Development and Design Standards’ and I note the contents of Section 1 – ‘Mixed Use and Housing Developments in Urban Areas’.
- 5.1.2. Under the Bray Municipal District Local Area Plan 2018, the subject site is zoned SF – Bray Seafront and with the objective ‘To provide for the development and improvement of appropriate seafront uses’ and description as follows: ‘To protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, retail, leisure, civic and residential uses. The Seafront area shall be promoted as the primary tourist, recreational and leisure centre of Bray’. Residential development is therefore acceptable in principle. B100 refers to nos. 1 to 6 Fontenoy Terrace, as listed on the Record of Protected Structures.

5.2. Ministerial Guidelines

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

5.3. Natural Heritage Designations

- 5.3.1. Bray Head is a proposed Natural Heritage Area (Site Code 000714) and is approximately 250 m to the south east/ east.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has engaged the services of Carew Kelly Architects to prepare an appeal against the decision of Wicklow County Council to refuse permission for this development.

Issues raised in the appeal include:

- The Planning Authority have granted permission for the internal works to the main part of the house but have not approved the works required to the rear. Without these the proposed development would not provide for a suitable family home.
- It is essential that the chimney breast be removed to make the house more liveable. No original features survive.
- The existing open space to the rear is a dark yard which receives very little sunlight.
- The proposal is to swap the yard space for the existing shed in order to provide for a suitable recreation area.
- The proposed lean-to extension would have no impact on received internal light of the adjoining property, no. 2 Fontenoy Terrace. The removal of the rear shed will actually improve the amount of light available to the adjoining house.
- The removal of the chimney breast and opening up of the side wall of the return will provide for a good-sized useable family room.
- The recent history of the house is provided – used as a boarding house interlinked with no. 4 Fontenoy Terrace.
- The modernisation of a 170-year-old house will ensure its long-term use/ sustainability. Refers to the RIAI guidance – ‘Old House – New Home’.

- Request that permission be granted for the development as submitted.

A shadow analysis has been submitted and some additional photomontages in support of the appeal.

6.2. Observations

- None.

6.3. Planning Authority Response

- None.

7.0 Assessment

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

- Nature of the Development
- Impact on Protected Structure
- Impact on Residential Amenity
- Appropriate Assessment Screening

7.1. Nature of the Development

- 7.1.1. The proposed development is for the modernisation of an existing house that is listed on the Record of Protected Structures. The house forms part of Fontenoy Terrace located to the south west of Strand Road, Bray.
- 7.1.2. Alterations at first floor include the removal of walls and the removal of a kitchen. Three of the existing bedrooms are to be retained as are and the fourth bedroom to be extended by the reconfiguration of the floor area mostly through the incorporation of the first-floor kitchen floor area into the bedroom area. No additional windows are proposed at first floor level.
- 7.1.3. The more significant alterations are at the ground floor level and this is primarily to the rear return and rear yard. Drawing number 19-22/203 indicates the areas to be demolished and includes the removal of a shed/ annexe to the south west and an external wc attached to the rear of the house. In addition the side/ north west elevational wall is to be removed and a number of internal walls are to be removed.

A single-storey extension is to be provided to the north west incorporating part of the existing rear yard and the outdoor wc. The removed walls and new extension will provide for an enlarged kitchen and dining room space. An internal wc is proposed for the ground floor and in addition to alterations to the rear yard, a retaining wall is also proposed.

- 7.1.4. I note reference in the submitted Conservation Report to other works including to the roof and rainwater goods, but these are not included in the public notices.

7.2. Impact on Protected Structure

- 7.2.1. The Planning Authority refused permission for two reasons as already listed in this report. The first reason is a mix of impact on the existing residential amenity of the unit afforded by the private amenity space and impact on the protected structure. I will only consider the impact on the protected structure in this part of the report.
- 7.2.2. The internal alterations including the removal of a fireplace which is non-functioning and is used for storage, are considered to be acceptable. I note the works proposed to the rear/ existing ground floor kitchen include the partial removal of a side wall and the provision of a single-storey extension to the side. I have no objection to the removal of the wall and the provision of the extension, as the character of the rear is respected and subject to the use of appropriate materials, the overall historic nature of the house is protected. The extension is relatively modest and does not dominate the two-storey rear.
- 7.2.3. I note that a double door is proposed in lieu of a single door to the rear/ south west wall of the kitchen. I consider that this should be omitted, access to the rear yard is available through this door and by way of the proposed extension. I have no objection to a replacement door here which would allow in more light than is the situation at present, but there is no justifiable reason for the removal of the wall as light penetration is restricted by the site layout. The proposed extension and its rooflights will provide for the majority of additional daylight to the kitchen area.
- 7.2.4. Overall, I am satisfied that the development will not negatively impact on the protected structure. From the site visit, it was apparent that the character of this unit is primarily through forming part of the six-house terrace and which has such a presence on this section of Strand Road. No alterations are proposed to the front

façade and I agree with the applicant that the restoration of this unit as a family home is desirable, as it ensures its long term use as a house.

7.3. Impact on Residential Amenity

- 7.3.1. The first reason for refusal included concerns regarding the lack of suitable provision of private amenity space. Drawing number 19-22/219 – ‘Garden Comparison Plan’ indicates that the existing private amenity area has an area of 14.4 sq m and the proposed development will provide for 21.362 sq m. The proposed private amenity space is larger than the existing area by just under 7 sq m, however, its size and orientation will provide for a more useable area of space. At present this area of open space is nothing more than a side passageway/ yard; the proposed area of open space will have an amenity value that is far improved over the current substandard situation. The buildings/ structures to be removed, have a greater floor area than that of the proposed extension. I note the reasons for refusal for similar developments at 4 Fontenoy Terrace, however the proposed extensions in that location would have used the entire area of useable private amenity space.
- 7.3.2. The revised area provides for a modest increase in private amenity space and the site benefits from the visual amenity of an additional area of land between the rear of the site and railway line that forms a buffer between the two land uses. Whilst it would be desirable to increase this private amenity space by an additional 3.65 sq m to bring it up to 25 sq m (minimum area of private amenity space set out under the Exempted Development rights), the provision of such would provide for very little additional benefit to the residents of this house. In addition, and perhaps more importantly, the house has a significant front garden and adjoins the southern part of Bray Promenade/ beach, a significant amenity literally at the front gate of this house. Permitting this development should not set a precedent for reduced private amenity space due to the unique nature of this unit being a protected structure and secondly the development actually provides for increased private amenity space.
- 7.3.3. The second reason for refusal refers to the residential impact on the adjoining house to the north through loss of light and overbearing impact. This is a single-storey extension with a monopitch roof sloping downwards towards the site boundary. At this point, section adjacent to the site boundary, it has a stated height of 2.365 m and the boundary height is 1.825 m; this different in height is not excessive and would

not give rise to overbearing. Loss of daylight is not foreseen as existing overshadowing from the two-storey return will be significantly greater than any from the proposed extension. Afternoon and evening sunlight/ daylight is not affected by this development and the railway line to the south of the site, which is elevated, is likely to be the greater source of daylight loss to the occupants of these houses.

- 7.3.4. The overall modifications and alterations to this house will provide for a high quality of residential amenity for the occupants of this unit. Internal room sizes are of an acceptable size and the layout will provide for modern living within a house listed on the record of protected structures.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and modest scale of the proposed development and the location of the site in an established, 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 granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2016 – 2022, the Bray Municipal District Local Area Plan 2018, the Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG) and the zoning for 'Bray Seafront', to the location of the site in an established urban area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not negatively impact on 3 Fontenoy Terrace which is listed on the Record of Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16th of June 2020 and details submitted on the 2nd of September 2020 in support of the appeal, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The following shall be carried out in full by the developer:</p> <p>a) The wall and opening to the south west/ rear of the kitchen shall be retained as is and a revised door may be provided in this location within the existing dimensions of the ope.</p> <p>b) A schedule and appropriate samples of all materials to be used in the external treatment of the extension to include proposed wall and roofing materials, windows and doors shall be submitted to and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p>

	<p>Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Paul O'Brien
Planning Inspector

14th January 2021