



An
Bord
Pleanála

Inspector's Report ABP-308586 - 20

Development	Change of use of part art gallery/ designer retail showroom, office space and part residential to single residential dwelling (Protected Structure), demolition of extension to rear and construct new two-storey extension.
Location	Lawnview, Church Hill, Main Street, Enniskerry, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20363
Applicant(s)	Roy & Breda Gannon
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Clodagh O'Brien
Observers	Rose Mary Craig

Date of Site Inspection

24th February 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of 'Lawnview', a two-storey mid terrace house located on the western side of Church Hill, to the southern side of Enniskerry village, Co. Wicklow. The site has a stated area of 0.03437 hectares and the existing building has a stated floor area of 106.67 sq m. Church Hill rises steeply on a north to south axis, from the centre of village southwards. There is an area of private amenity space to the rear of this property, which is reached by steps from a very small yard area and the garden rises upwards in terraces to the rear/ west.
- 1.2. I have described this unit as a house and that was what it was originally built as. More recently it was used as an art gallery/ showroom with a reduced residential use. These uses have ceased, and the unit was vacant on the day of the site visit, appearing to have been in such a condition for some time. A significant amount of work would be required to get it back into use, though structurally it appears to be in relatively good condition.
- 1.3. The site is located in the centre of Enniskerry and is close to all the services/ amenities of the village centre. Dublin Bus route 44 provides an hourly link to the City Centre and on through the northside of the City to DCU. Go-Ahead route 185 provides an hourly service to/ from Bray DART station.

2.0 Proposed Development

- 2.1. The development consists of:
 - Change of use from part art gallery/ showroom, office space and part residential to full residential use.
 - The demolition of a single-storey extension to the rear of the building with a stated floor area of 23.97 sq m and the construction of a two-storey extension with a stated floor area of 67.2 sq m.
 - Internal alterations and reconfiguration of the layout of both floors.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development following the receipt of further information. Conditions are generally standard; Condition no. 3 required a method statement prepared by a suitably qualified professional for the works to the historic fabric of the house and Condition no. 4 requires that the development be carried out in accordance with guidance as issued by the Department of the Environment, Heritage & Local Government, or any other relevant bodies.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission. Further information was sought in relation to the provision of an architectural heritage impact assessment and to demonstrate that overlooking will not be an issue and photographic surveys to support both items. A full response was made to these items of further information. A detailed 'Conservation Report' prepared by John Deaton, Conservation Architect, was included in the further information response.

3.2.2. Other Technical Reports

Bray Municipal District Engineer: No objection subject to conditions in relation to surface water drainage and prevention of material storage on public footpath.

3.3. Prescribed Body Reports

3.3.1. **Irish Water:** No objection subject to conditions.

3.4. Objections/ Observations

3.4.1. An objection prepared by Desmond Barry, was submitted on behalf of Clodagh O'Brien of 'Clonlea', Church Hill.

Issues raised include:

- The proposal fails to ensure that the entirety of the protected structure is suitably protected. The interior as well as the exterior is to be protected.

- A significant amount of internal alterations are proposed to this house.
- The site is located within an Architectural Conservation Area (ACA) and development fails to take appropriate account of that.
- Insufficient details provided in terms of impact on a party wall.
- Survey plans do not adequately detail the site layout and topography.
- The proposed development is out of character with the established form of development in the area.
- Direct impact on the structural integrity of the adjoining/ objector's property.
- Removal of hedgerow and the form of development will result in a loss of privacy.
- The Protected Structure reference number is incorrectly described, should be RPS 03-10, not RPS 03-04.

Procedural issues were raised including the lack of Conservation Report, photographic survey and supporting engineering details. In addition, drawings/ details submitted were not adequate/ provide inaccuracies.

Rose Mary Craig of Clonlea Lower, Church Hill also objected to the development and made the following comments:

- Impact on the protected structure and Architectural Conservation Area will be significant.
- Lack of supporting documentation with this application.
- The development to provide a large family home is excessive for this modest cottage.
- No consultation has taken place with the neighbouring residents.

3.4.2. The applicant through their agent Eamonn Weber has submitted a response to the letters of objection and the following points were made:

- Consultation was held with Ms O'Brien and the nature of this is outlined.
- Accepts that the wrong RPS number was given and this is remedied.
- Works are to the interior and exterior of this structure. The internal works are detailed.

- Addresses a number of concerns raised in the letter of objection to do with technical issues/ material details etc.
- The design/ justification of the extension is detailed by the applicant. This takes reference from local buildings including the windows matching those of the old Courthouse, now in use as Wingfield's Bistro.
- A new wall will be built rather than attach directly to the party wall.
- Access to Ms O'Brien property is no restricted post construction than is the case at present.
- Any hedgerow to be removed will be replaced, though it not intended that any will be removed.
- Surface drainage will not be impacted by this development.
- The applicants intend restoring this unit to a high standard and have experience of doing similar renovations to a house in the United States.

Included are a number of photographs detailing the current internal and external state of the house.

The Planning Authority commented on this response from Mr Weber and considered that the application as submitted was valid. An Architectural Impact Assessment was not required at lodgement stage, but may be requested at further information stage, which it subsequently was.

4.0 **Planning History**

P.A. Ref. 09414 refers to a June 2009 decision to grant permission for the change of use from residential to part residential at Lawnview, Church Hill (the subject site) with proposed art gallery/ designer retail show room and office space (protected structure).

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. The Wicklow County Development Plan 2016 – 2022 identifies Enniskerry as a Level 5 – Small Growth Town. A shortage of available land was identified for Enniskerry and the following is stated ‘The only exception is Enniskerry where a deficit was identified. Therefore the new Enniskerry town plan forming part of this CDP includes additional zoned land to address this deficit’.

5.1.2. Chapter 10 refers to Heritage and ‘Built Heritage’ is under Section 10.2 and the following objectives are relevant:

BH8 To have regard to ‘Architectural Heritage Protection: Guidelines for Planning Authorities’ (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.

BH9 To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

BH10 To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects and / or other relevant experts, suitable design, materials and construction methods.

BH11 All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection.

BH12 To support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc) previously existed.

BH13 To strongly resist the demolition of protected structures, unless it can be demonstrated that exceptional circumstances exist. In cases where demolition or partial demolition is permitted or where permission is given for the removal of feature(s), the proper recording of the building / feature will be required before works are undertaken and where possible the reuse of such features should be considered in any replacement buildings.

BH14 The Planning Authority shall consider the change of use of Protected Structures, provided that it can be shown that the structure, character, appearance and setting will not be adversely affected or where it can be shown it is necessary to have an economic use to enable its upkeep’.

5.2. Local Area Plan

5.2.1. The 'Enniskerry Town Plan 2016 – 2022' is included within the Wicklow County Development Plan.

5.2.2. The subject site is located within the 'Enniskerry Town Centre Zone'. Objective ENN10 states:

'New developments (including the refurbishment of buildings) shall generally be two-storey in the town centre area and shall have regard to the protection of the residential and architectural amenities of structures in the immediate environs, but alternative and contemporary designs shall also be encouraged (including alternative materials, heights and building forms), to provide for visual diversity'.

5.2.3. The site is located within an 'Architectural Conservation Area' and the site is located within an area that is zoned 'TC' Town Centre.

5.2.4. The house is listed in the Record of Protected Structures – RPS no. 03-10 refers to a mid 19th Century two bay, two storey, gothic revival house with painted, rough cast walls, pointed doorcase in an enclosed porch, tripartite windows on the left hand side, two gables with wide eaves and pierced barge-boarding.

5.3. Guidelines

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

5.4. Natural Heritage Designations

Knocksink Wood SAC (Site code 000725) and pNHA (Site Code 000725) is located 0.4 km to the north of the site. Powerscourt Woodland pNHA (Site Code 001768) is approximately 0.25 km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

Armstrong Planning have been engaged by Ms Clodagh O'Brien, of 'Clonlea' to appeal the decision of Wicklow County Council to grant permission for change of use

of part art gallery/ designer retail show room and office space/ part residential to full residential use including a single storey extension to the rear is to be demolished and a new two storey extension to be provided.

The following issues are raised in the appeal:

- The development is out of character with the protected structure status of this building and the Architectural Conservation Area (ACA).
- Concern that the development would negatively impact a boundary wall.
- The extension at first floor level is likely to impact the neighbouring property through noise, especially from a first-floor balcony.
- The proposed rooms will not receive adequate daylight due to the orientation of this house.
- The loss of the retail/ art gallery will have a negative impact on the vitality/ viability of Enniskerry Town Centre. A number of relevant policies in the development plan are outlined in relation to this.

6.2. **Observations**

Rose Mary Craig of Clonlea Lower, Church Hill, Enniskerry has made the following comments:

- The proposed development is not in keeping with the Enniskerry Architectural Conservation Area (ACA). The extension is overly large and will negatively impact on the residential amenity of adjoining houses.
- The proposed extension and balcony will result in a loss of privacy of adjoining properties.
- The proposed internal layout is not acceptable. The provision of living accommodation at first floor level and bedrooms (three out of four) is unusual and not appropriate for a house in an ACA.
- The loss of the gallery will impact on Enniskerry and a residential unit over a retail unit would be more appropriate.
- No on street parking is proposed and parking is an issue of concern in Enniskerry.

Query made about the process undertaken by Wicklow County Council in the assessment of this application.

6.3. Applicant Response

6.3.1. The applicant through their agent, Eamonn Weber, has submitted a response to the appeal and the following comments are made:

- A report has been prepared by John Deaton, Conservation Architect and submitted in response to the appeal. This report addresses the issues raised in relation to the impact on the ACA and protected structure. In summary, the proposal will see the extensive refurbishment of a 19th century house, the façade will be restored and the works will be a positive addition to the house/ ACA.
- Query over the legal status of the boundary wall with 'Clonlea' as this is a party wall. There is no proposal to interfere with this wall and an engineering report is not required, though one may be employed at construction stage. Any removal of earth will reduce the pressure on this wall.
- The proposed landing, from the first floor, will not give rise to increased noise. The existing garden is at a similar level to the proposed extension.
- There are no issues in relation to light, ventilation and the quality of accommodation, for the extended development.
- The proposed use of this structure fully as a house will ensure its long-term viability.
- The increased floor area is modest in the context of modern standards. The proposed roof has been designed to avoid valleys, such valleys can cause difficulties such as in trapping snow, which is a problem as Enniskerry does suffer from snowfall.

The applicants are satisfied with the decision of Wicklow County Council. Supporting documents and photographs are included with this response, some of which were already sent to the Planning Authority at further information stage. A letter has been included from the applicants outlining the background for this development.

7.0 **Assessment**

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

- Principle of Development
- Impact on the Character of the Area
- Impact on Visual Amenity
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The proposed development is for the extension of this unit and to restore the structure to full use as a house providing for four bedrooms. An existing single storey extension to the rear/ western side is to be demolished and a new two-storey extension is to be constructed here. The site is located in the centre of Enniskerry and is on lands zoned for Town Centre use, which includes residential development. The principle of development is therefore acceptable.

7.2.2. I have read the appeal, submissions, including from the applicant, and reports of the Planning Authority.

7.3. **Impact on the Character of the Area**

7.3.1. From the site visit, it was apparent that this unit has not been use for some time and extensive works would be required to restore a use on site. Clearly the unit was originally a house and although a commercial use would be acceptable here, the surrounding area is primarily in residential use. I have no objection to the unit being restored to residential use. Although zoned for town centre use, from the site visit it did not appear that this was a main retail/ commercial street and would probably vary over time from retail/ commercial to residential use. The centre of Enniskerry at the Square would be the focal point for retail use. I accept that the loss of the former gallery in this building may have impacted on the area, but that is a commercial issue and not a planning consideration. The change of this unit from mixed residential/

commercial use to full residential does not impact on the viability of Enniskerry village centre.

- 7.3.2. Although, listed on the record of protected structures, the unit has been extensively modified over time and extended to the rear with a somewhat poor quality of structure. Much of the interior has been stripped of original features and there was extensive evidence of damage and woodworm. The front elevation does appear to be in good condition and the character of this aspect of the unit has been well protected. The use of this currently vacant unit as a home, would restore a level of vitality to this section of the street as a vacant unit would be put back into active use.

7.4. Impact on Visual Amenity

- 7.4.1. The two-storey extension to the rear is visually acceptable as it will not be easily visible from outside of the site. The existing extension is in poor condition and is not of any architectural merit worth preservation. The extension will not project beyond the existing rear extension of 'Clonlea' the house to the north. A pitched roof is proposed on the extension and this will be gable fronted to the west. An alternative to this would be a roof with a ridgeline running parallel to the existing roof ridgeline. In doing this, a valley between the two roofs would result and I note the comments made in the applicants' response to the appeal that this would create problems especially during times of snowfall. The overall impact on the existing roof will be minimal.
- 7.4.2. The western elevation includes a number of large windows especially at first floor level, again I note the justification put forward for these. As already reported, the extension is not going to be visible from outside of the site and there will be no doubt that the extension is a new build addition to the existing house. There is some similarity in the rear windows and the existing windows to the front of the house in the southern bay section.
- 7.4.3. The extension and its roof will not be visible from the front of the site/ public street. This is important as any part of the extension/ roof that projects above the ridgeline of the existing roof would have a negative visual impact on the front of this house, thereby eroding its character. The front elevation has been well protected over time and any works required will be relatively minor in the overall context of this development. The front windows will require significant work/ possible replacement,

and this should be carried out in accordance with best practice for such works to a protected structure. There is nothing proposed to this structure that would indicate a negative impact on the protected structure. Similarly, I have no concern that the development will impact on the Architectural Conservation Area, the reuse of this structure as a house will actually strengthen the ACA through the reuse of a vacant unit.

7.5. Impact on Residential Amenity

- 7.5.1. The refurbishment of the existing structure would probably only provide for a two-bedroom house and a very poor quality of habitable space. The proposed extension allows for the provision of four bedrooms and a high quality of internal floor area/ residential amenity. The extension, and internal reconfiguration, ensures that suitable storage areas can be provided, primarily in the form of a ground floor utility room. The proposed development provides for the kitchen and living areas to be located on the first floor with three of the four bedrooms located on the ground floor. I have no concern with this reconfiguration. All bedrooms are provided with windows and therefore are lit with natural light/ benefit from direct ventilation through the opening of the proposed sliding windows to the rear/ existing windows to the front of the building.
- 7.5.2. The extension to the rear will result in a reduction in the area of the private amenity space, however more than the required area of garden will remain and the future occupants will be provided with a good area of open space though one which is steeply graded.
- 7.5.3. I do not foresee that the extension will give rise to overshadowing leading to a loss of daylight/ sunlight. As reported, Clonlea to the north has already been extended to the rear and the proposed development does not project beyond the rear building line of that extension. Overshadowing to the rear of Clonlea is not therefore going to be an issue of concern. Overlooking, loss of privacy and nuisance through noise were raised as issued. I do not foresee any increase in overlooking from this development. Any nuisance created, will be similar to that possible from the rear private amenity space. Standing at the rear of the garden allows for overlooking of the rear of the adjoining house. The proposed extension to the rear of Lawnview does not increase this concern.

7.6. Other Issues

- 7.6.1. Concern was expressed about the impact of the development, in particular the proposed extension, on a party boundary wall. I do not foresee any such concerns and the onus is on the applicant/ developer to ensure that all building regulations are fully complied with. The applicants in their response to the appeal refer to legal issues and again the onus is on them to ensure compliance with all necessary requirements. The submitted plans, cross sections and elevational drawings indicate that all works are to be carried out within the lands within the ownership of the applicants.
- 7.6.2. No car parking is specifically proposed for the development; however this is no change from the current situation and on-street parking is available to the front of the site.
- 7.6.3. The area is served with foul drainage and public water supply and the proposed development is already connected to these services.

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 zoned, serviced, established 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 planning permission be granted for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2016 – 2022, the Enniskerry Town Plan 2016 – 2022 and the zoning for Town Centre uses, 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. The development will not impact on the protected structure status of this unit or on its setting within an Architectural Conservation Area. 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 15th of April 2020 and as amended by the further plans and particulars submitted on the 25th of September 2020 to the Planning Authority, 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 external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
4.	<p>(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted</p>

	<p>works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.</p> <p>(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.</p> <p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
5.	<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. The developer shall prepare a suitable surface water drainage system that disposes of water wholly within the site and which shall incorporate SUDs measures, with details which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</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 the hours of 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 amenities of property in the vicinity.</p>
7.	<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>
8.	<p>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.</p> <p>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.</p>

Paul O'Brien
Planning Inspector

1st March 2021