



An
Bord
Pleanála

Inspector's Report

ABP-309653-21

Development

Planning permission to previously approved planning permission registration reference F17A/0744 for new accessible ramp to serve the main entrance on west elevation, revised treatment of north elevation to include 10 no. mosaic artwork panels and stone cladding arrangement, increased rear boundary wall height, 3 no. heat pumps at roof level, recessed swift nesting boxes on north, west and east elevations.

Location

No. 1 'The Obelisk', Strand Street, Skerries, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F20A/0673

Applicant(s)

Proper Fingal CLG.

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party

Appellant(s)

Alan De Tourtoulon.

Observer(s)

None.

Date of Site Inspection

7th May 2021

Inspector

Daire McDevitt

Contents

1.0 Site Location and Description	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Planning Authority Response	10
6.4. Observations.....	10
7.0 Assessment.....	10
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13
10.0 Conditions.....	14

1.0 Site Location and Description

- 1.1. The site, with a stated area of c.0.0608 hectares, is comprised of No. 1 The Obelisk, Strand Street, Skerries, Co. Dublin. The site is occupied by a structure which is the subject of extensive redevelopment at present. The original 2 storey house is in the process of being altered, extended and a day car centre of persons with an intellectual disability. No. 1 has hoarding erected to the front along Strand Street.
- 1.2. Strand Street is one of the main streets in the town centre and has a mix of residential and town centre uses with the predominant building height 2 storey. The bulk of the site is located within Skerries ACA. Strand.
- 1.3. No. 1 The Obelisk is bounded to the north by Mc Loughlins Lane, a pedestrian lane that separates the site from No. 13 The Strand (appellant's property), it is bounded to the south by a residential property, to the west by Strand Street and to the east by Sandy Banks cul-de-sac which front onto South Shore.

2.0 Proposed Development

- 2.1. The proposed development comprises of revision to previously approved planning permission registration reference F17A/0744 for new accessible ramp to serve the main entrance on west elevation, revised treatment of north elevation to include 10 no. mosaic artwork panels and stone cladding arrangement, increased rear boundary wall height, 3 no. heat pumps at roof level, recessed swift nesting boxes on north, west and east elevations.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 6 no. conditions.

- No. 1 (plans and particulars)
- No. 2 (sets out a description of what is permitted)
- No. 3. (ties the current to F17A/0744 and sets out that permission will expire on the 28th June 2023).
- No. 4. (refers to the requirements that full details including photomontages of the proposed mosaics/mosaic panels shall be submitted for the written agreement of the Planning Authority).

- No. 5 (stormwater).
- No. 6 (refers to the requirement for an acoustic enclosure to be provided for the three heat pumps and sets out noise levels).

3.2. Planning Authority Reports

Planning Report (15th February 2021)

The key considerations referred to in the Report are:

- Compliance with CDP.
- Impact on Skerries ACA/visual integration.
- Impact on amenity of the area.
- Water and drainage.
- Transportation.
- AA Screening and EIA screening

Point of note included:

- No undue impact in terms of overlooking or overshadowing was anticipated.
- Recommended that a condition requiring an acoustic enclosure to the heat pumps be attached to address concerns raised by third party.
- Permission has not been sought for a roof terrace.
- The Area Planner concluded that the changes/modifications would not unduly impact on the residential amenities of the adjacent area.
- The proposed alterations would not unduly impact on the visual amenity of the area and would not adversely affect the character of Skerries ACA.
Recommended condition to agree handrail to access ramp and mosaic panels prior to the commencement of development.
- The Planning Authority concluded that the development does not require EIA, as it is not of a class set out in Schedule 5 (part 1 or 2) of the Planning and Development Regulations 2001 as amended or article 103 (reference to section 103 is an error) of the Planning and Development Regulations 2001 as amended

The Planning Authority issued a decision in line with the Planner's recommendation, subject to the removal of conditions pertaining to development contributions and bond

3.2.1. Other Technical Reports

Conservation Officer (1st February 2021):

The report includes reference to 'retention is sought for a number of alterations to the scheme', this refers to works that appeared to be under construction but not completed out.

- The primary focus of the Conservation Officer is changes to the front elevation as it faces directly onto one of the main streets of the town and is at a prominent location opposite the junction with Thomas Hand Street and the Hamilton Monument.
- The Conservation officer has no objection in principle to the ramp but wishes to ensure that the design of the handrail is as discreet and sensitive as possible while still meeting the building regulations requirements for access. If these are not in position, the design and finish/colour should be agreed with the Conservation Officer.
- The swift box to the front elevation should be omitted as the ones on the other two elevations are sufficient.
- No specific comment in relation to the heat pump unit but requests that details relating to the mosaic panels be provided.

Water Services Department (1st February 2021):

- No objection subject to surface water conditions.

Transportation Planning Section (1st February 2021):

No objection subject to condition relating to stormwater.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The current appellant made a submission to the Planning Authority, the main issues raised related to:

- Residential Amenity (overlooking, overshadowing and noise)
- Use of flat roof as a terrace.
- Impact on ACA.
- Issues relating to a concurrent application for retention permission.
- Loss of ambient light to McLoughlin's Lane.
- Requirement for an EIA.
- Provision of heat pumps at roof level (noise and impact on ACA).
- Excessive height of northern boundary wall.

- Issues relating to parent permission.

4.0 Planning History

PA Reg. Ref. F17A/0744 refer to a 2018 grant of permission for (a) demolition of the 1 and 2 storey extension to the rear of the original structure, internal partitions and first floor construction of the original structure, boundary walls to the north and east boundaries, (b) widen and relocate entrance door and gate entrance to front/west elevation, replace existing wet dash render with sand faced render; (c) construct a 1 and 2 storey extension to the rear with new boundary walls to the north and east boundaries and all associated site works,; (d) change of use from existing dwelling house to day centre for persons with an intellectual disability and ancillary administration/support offices.

PA Reg. Ref. F20A/0675 refers to a current application under appeal (**ABP 309655-21**) for retention permission for first floor window arrangement on west elevation, increased height of parapet wall on north elevation, increased area of first floor plant room, revised finished floor level, ridged and lean-to skylights and additional first floor office area with access stairs.

5.0 Policy Context

5.1. Development Plan

The Fingal Development Plan 2017-2023 is the operative plan. Relevant provisions include:

The site is zoned 'TC', Town and District Centre with an objective to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.'

The bulk of the site is located within the ACA for Skerries. Objectives of note include objective CH33, CH37 and CH38.

Site is located within a 'highly sensitive landscape' due to its proximity to the coast.

5.2. Natural Heritage Designations

The site is not located in or adjacent to a designated site.

The closest Natura 2000 site is Skerries Island SPA (site code 001218), located c. 800m to the northeast.

6.0 The Appeal

One third party appeals have been received from Alan de Tourtoulon, 13 Strand Street, Skerries, Co. Dublin. House on the opposite side of McLoughlin's Lane.

6.1. Grounds of Appeal

The grounds of appeal lodge are a duplication of that lodged under ABP 309655-21.

The appeal includes copies receipt for submission lodged with the planning authority and Planning Enforcement ENF 21/005A Fingal and 11 no. images. The grounds of appeal reiterate some of the concerns raised in the submission to Fingal County Council. Reference to issues/works which are the subject of a concurrent appeal are included in the grounds of appeal. I do not propose to address these as they are the subject of a separate application for retention permission under F20A/0675 which is the subject of a current appeal under ABP 309655-21.

The grounds of appeal can be summarised as follows:

Discrepancies/inconsistencies in the development description.

- Notices refer to permission for a first floor office with roof access door and raised northern boundary wall (roof garden) have commenced and should be retention permission not permission. Image submitted to support this.
- It is claimed that there are completed works in existence which were not included in the retention application but in the planning one and works in the retention application which had not been carried out at the time it was lodged.

Architectural Conservation Area.

- Precedent for alternative materials being refused (chip shop refused use of marble in the past).
- Issue with use of materials relation to works granted under F17A/0744.
- Query quality of Conservation Report.

Residential Amenity:

- Overlooking of his property and amenity space.

- The appellant noted that he was informed in 2018 that FCC do not permit balconies adjacent to residential properties. He has raised concerns that the roof access door and raining the northern wall would show that this is not the case and that this area would be used as a balcony/terrace/roof garden.
- Heat pumps would result in undue nuisance from noise and not suitable for an ACA. Reference to Planning Portal. Reference to Exempted Development Regulations.
- Application for retention shows 2 heat pumps units, there area 3.
- No noise study has been carried out. A condition requiring an acoustic enclosure is impracticable and unworkable.
- Query size of roof lights permitted in the original application and potential heat loss.

Other:

- The submission refers to works permitted under F17A/0744.
- The submission includes a section relating to history dealing with Fingal County Council which the appellant is of the view is relevant to any future planning decisions and enforcement.
- Allegations relating to work practices during Covid 19 restrictions.

Request that F20A/0673 (application for retention permission) and F20A/0675 (permission application) are cancelled/refused and the development is carried out in accordance with the original permission.

6.2. Applicant Response

The applicant has submitted a detailed response to the third party appeal which is mainly in the form of a rebuttal and includes reference to work s which are the

subject of appeal (ABP 309655-21). However, the following points of note were made:

- As a result of the ground finished floor level being raised by 150mm to accommodate onsite surface water drainage an accessible ramp is required to the main entrance door.
- The installation of 10no. mosaic panels on the northern elevation facing Mc Loughlin's Lane will display art work. The panels will be set into stonework cladding which will act as a frame to the artwork. The additional height along the northern elevation will give added site security.
- It is proposed to change the heating system from gas boiler to an air to water heat pump. Allowing for improved BRE.
- Provision of recessed swift boxes.

6.3. Planning Authority Response

Response received 7th April 2021. Request that the Board uphold its decision and attach a condition requiring a section 48 contribution.

6.4. Observations

None.

7.0 Assessment

The Board is requested to note that there is a concurrent appeal before the Board (ABP 309655-21) for retention permission at the same address. The appellant has raised issues under the ground of this appeal which relate to said application. There are interconnected issues to do with residential amenities. However, each case is assessed on its own merits.

The appellant has referred to a Conservation Report in the grounds of appeal and issues relating to PA Ref. F17A/0744. The current appeal before the Board relates only to the works which are included in the description contained in the statutory public notices. Issues relating to unauthorised works/non-compliance with conditions attached to F17A/0744 are matters for the Planning Authority and do not form part of this assessment.

I consider the main issues in determining this appeal are as follows:

- Impact on Architectural Conservation Area
- Impact on Appellants property
- Other Matters
- Appropriate Assessment

7.1 Impact on Architectural Conservation Area

The proposed development is for modifications/amendments to a permitted development (F17A/0744) located within Skerries Architectural Conservation Area (ACA). The potential impacts on the ACA arise mainly from the proposed railing to an access ramp to the front of No. 1 The Obelisk fronting onto Strand Street) and the provision of 10 no. mosaic artwork panels and stone cladding to the north elevation (elevation facing Loughlin's Lane)

With regard to the location of the proposed development within Skerries ACA, the appellants main concerns appear to relate to the provision of heat pumps to the roof of a building located within an ACA and the provision of mosaic panels along McLoughlin's Lane.

The Conservation Officer has reported on this application and states that their primary focus relates to the changes to the front elevations as it faces directly onto one of the main streets in the town and is at a prominent location opposite the junction of Thomas Hand Street and the Hamilton Monument in front of it.

In my opinion the proposed development which relates to minor modifications to a permitted development does not have a negative impact on the ACA.

I have no objection to the provision of an access ramp and associated railing to access No. 1 The Obelisk once the railings are appropriate to the streetscape and does not detract from it. Details relating to the railings (finishes/materials) can be addressed by condition if the Board consider granting permission.

In my view, the provision of the mosaic panels along the northern elevation with Mc Loughlin's Lane will break up the monotony of this secluded elevation and are more appropriate than a large blank facade. If the Board consider a grant permission a condition should be attached requiring that details of the mosaic artwork panels to be agreed with the Planning Authority.

The appellant has referenced exempted development pertaining to heat pumps in the grounds of appeal. The applicant has included them in the application and is seeking permission for same. The installation of heat pumps is not precluded from sensitive locations, each case/location is assessed on its merits. I note the location of the heat pump units and am satisfied that they would not have a negative impact

on the character of Skerries ACA. I further note that FCC's Conservation Officer has not raised concerns relating to the heat pump units.

Overall the proposal represents an acceptable design approach that reasonably addresses the sensitivities of Skerries ACA. The development would not be out of character with the existing pattern of development in the area. The proposed development, therefore, would not, in my view, be injurious to the character of the area or contrary to objectives set out in the current Fingal County Development Plan.

7.2 Impact on Neighbouring Properties

The grounds of appeal refer specifically to the potential impact of the heat pumps and associated noise on the amenities of No. 13 and the use of the roof as a roof garden. Due to restrictions I was unable to access No. 13 The Strand. However, I note that the photographs submitted by the appellant clearly illustrate the impact of the works/structure.

Regarding concerns relating to the provision of heat pumps at roof level and associated noise and nuisance. Details have been included with the applicant's response to the appeal highlighting that the development is to serve people with sensory difficulties and autism and is therefore very aware of the need to provide appropriate environmental conditions. The provision of heat pumps is in line with sustainable methods for heat recovery, their provision would not result in undue nuisance subject to correct installation and maintenance. The provision of an acoustic enclosure as conditioned by the Planning Authority is, in my view, sufficient to address potential impacts and concerns raised by the appellant.

Concerns have also been raised regarding the use of the first floor flat roof area as a roof garden which would have a detrimental impact on the residential amenities of No. 13 The Strand. I note that the applicants have confirmed that they have not sought permission for this, nor is it their intention to use the flat roof area as a roof garden. I am satisfied that this issue can be dealt with through an appropriate condition if the Board is of a mind to grant permission.

At application stage the appellant raised the following matters which I have included these in the interest of consistency as the appellant in the grounds of appeal stated "please refer to my previous submissions in addition I would like to submit the following facts...."

With regard to concerns raised relating to the loss of sun light to bedroom and garden of No. 13 The Strand, located to the north of the application site. This relates to potential impacts from an increase in height to the northern parapet which is the subject of the concurrent application for retention permission and therefore does not form part of this assessment.

The increase in height to the rear boundary (east) has no impact on the appellant's property. I have no objection to this increase in height.

The development would not have a detrimental impact on the amenities of the property adjoining it to the south.

I consider that the development would be appropriate in the context of current Development Plan policy and standards, including the relationship of the building to the public realm and adjoining properties. The proposed development would not detract from the residential amenities of adjoining properties. Overlooking and overshadowing of adjoining properties are not considered material having regard to the nature of the amendments proposed given the permitted development under F17A/0744, the context, orientation and relationship of the properties.

7.3 Other Matters

At application stage the appellant raised the following matters which I have included in the interest of consistency as the appellant in the grounds of appeal stated “please refer to my previous submissions

Impact on McLoughlin’s Lane:

The appellant has raised concerns that the proposed development would result in the loss of ambient light to Mc Loughlin’s lane which bounds the site to the north. The amendments /modifications which are the subject of the current application would not increase the impact on Mc Loughlin Lane, a lane accessed and used by the public, from that resulting from the development permitted under F17A/0744

Requirement for EIA:

The development does not fall within a class that requires EIA as per Schedule 5 (part 1 or 2) of the Planning and Development Regulations 2001 as amended.

7.4 Appropriate Assessment

The site is not located within or adjacent to any Natura 2000 site. The Skerries Islands Special Protection Area (Site Code 004122) is located approx. 800m to the north east, within the Irish Sea.

Having regard to the nature and scale of the proposed development, which is an extension and refurbishment of an existing building in a town centre location, I do not consider that any Appropriate Assessment issues arise and I do not consider 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

I recommend that planning permission be granted for the following reasons and considerations and in accordance with the conditions set out below

9.0 Reasons and Considerations

Having regard to the zoning provisions of the Final County Development Plan, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously detract from the character of Skerries Architectural Conservation Area, would not injure the amenities of the area or detract from the residential amenities of neighbouring properties and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 20th day of March 2018 under planning register reference number F17A/0744, and any agreements entered into thereunder.

Reason: In the interest of clarity.

2. 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

3. This permission relates only to (i) a new accessible ramp to serve the main entrance on the west elevation, (ii) the provision of 10 no. mosaic artwork panels and stone cladding arrangement at the northern site boundary, (iii) increased rear boundary wall height to 2.35m, (iv) 3 no. heat pumps at roof level and v) recessed swift nesting boxes to north, west and east elevations.

Reason: In the interest of clarity.

4. Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority the following:
 - a) Details/materials/finishes of handrail to access ramp.
 - b) Details of mosaic/mosaic artwork panels, this shall include photomontages and samples.
 - c) The swift box to the northern (front elevation) shall be omitted and revise elevation submitted.

Reason: in the interest of architectural heritage and clarity.

5. The flat roof shall not be used as a terrace, roof garden, smoking area or for any ancillary purpose associated with the main use of the structure as a day centre for persons with an intellectual disability.

Reason: In the interest of residential amenities.

6. An acoustic enclosure shall be provided for the 3 no. heat pumps to ensure that the cumulative noise level from the pumps does not exceed:

Daytime (07:00 to 19:00hrs) – 55dB Lar, 30min.

Evening time (19:00 to 23:00hrs) – 55dB Lar, 30min.

Night time (23:00 to 07:00hrs) – 45dB Lar, 30min.

Noise emission from the development when it is in operation shall be broadband in nature and free from audible tonal characteristics.

Reason: In the interest of public health and residential amenities.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. No additional development shall take place on the flat roof area, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

Dáire McDevitt
Planning Inspector

9th May 2021