



An
Bord
Pleanála

Inspector's Report

ABP-309655-21

Development

Retention Planning Permission is sought for first-floor window arrangement on west elevation, increased height of parapet wall on north elevation, increased area of first-floor plant room, revised ground finished floor level, ridged and lean-to skylights and additional first-floor office area with access stairs.

Location

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

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F20A/0675

Applicant(s)

Proper Fingal CLG.

Type of Application

Retention Permission.

Planning Authority Decision

Grant Retention Permission 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	4
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Applicant Response	9
6.3. Planning Authority Response	9
6.4. Observations	9
7.0 Assessment	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions.....	12

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 care centre for persons with an intellectual disability. It 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.
- 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. Permission for retention is sought 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.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for retention subject to 3 no. conditions.

No. 1 (as per plans and particulars).

No. 2 (reference to works which the permission for retention refers to)

No. 3 (reference to F17A/0744 and requirements to comply with same unless save for changes permitted under this permission).

3.2. Planning Authority Reports

Planning Report (15th February 2021)

The key considerations referred 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 objection to the re-instatement of an upper floor within the original building to provide office accommodation at first floor level.
- In general it is considered that the proposals, the subject of this retention application, would not unduly impact on the visual amenity of the area and would not adversely affect the character of Skerries ACA.
- The alterations which are the subject of the application for retention would not unduly impact on the amenities of this town centre area.
- Reference to third party concerns relating to a potential roof garden accessed via the plant room. No such proposal has been applied for.
- The increase in the height of the northern boundary wall will not overshadow third party property to a significantly greater degree than the proposal which was granted permission under F17A/0744.
- An EIA is not required.

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

3.2.1. Other Technical Reports

Conservation Officer (1st February 2021):

- The window opening was discussed at a meeting in February 2020.
- No objection to this but was highlighted at the time that this would need planning permission. However notes that no rationale for the alteration of the window opening has been submitted.
- No objection to the re-instatement of an upper floor within the original building to provide office accommodation at first floor. It is regrettable that the original interior was potentially gutted unnecessarily for the creation of an entrance atrium space in the initial scheme.
- No specific architectural heritage considerations arise for the other elements of the retention application and the Conservation Officer has no comment in relation to them.

Water Services Department (1st February 2021):

- No objection subject to surface water conditions.

Transportation Planning Section (1st February 2021):

- No objection subject to condition.

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 (loss of sunlight)
- Issues relating to a concurrent application for amendments to permission.
- Excessive height of northern boundary wall.
- Issues relating to parent permission.
- Issue relation to works which are the subject of a concurrent application for permission.
- Roof lights
- Windows to western elevation.
- Requirement for an EIA.

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/0673 refers to a current application under appeal (**ABP 309653-21**) for 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.

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 appeal has 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 309653-21.

The appeal includes a copy of receipt for submission lodged with the Planning Authority 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 permission under F20A/0673 which is the subject of a current appeal under ABP 309653-21.

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.

- Issue with compliance with conditions attached to F17A/0744.
- Query quality of Conservation Report.
- Query suitability of windows to western elevation.
- Unsightly windows to roof.

Residential Amenity:

- Loss of sunlight to bedroom and private amenity space due to increase in height of northern boundary/parapet.

Other:

- The submission refers to issues pertaining to non-compliance with the original permission granted for the redevelopment of the site.
- The submission refers to works that are the subject of an application for amendments to F17A/0744 (current appeal ABP 306953-21).
- 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 works which are the subject of appeal (ABP 309653-21). However, the following points of note were made:

- Following the internal demolition of the original two storey structure it was revealed that the window arrangement at first floor level had been modified over time. An original window opening could be identified as a wooden window lintel was in situ and the opening blocked up.
- Office at first floor level and access stairs is required to accommodate personnel required for this facility.
- The parapet to the northern elevation has been increased in height by c.375mm. Reasons for this relate to: 150mm is due to the increased finished floor level and 225mm is due to modified flat roof falls. The runoff from the roof should drain internally towards the south (away from McLoughlin's Lane) and removes the need for downpipes to the northern elevation.
- Skylights have been changed from a fixed glazed pyramid type to a ridge type and in one instance a lean-to type to allow for passive ventilation.
- An upgrade to the mechanical specifications has facilitated the need for an increased plant room from 14 sq.m to 15.5sq.m and primarily relates to the change from gas boiler to an air to heat pump.

6.3. Planning Authority Response

Received 7th April 2021. Refer to original Planners report and request that a Section 48 development contribution be attached.

6.4. Observations

None.

7.0 Assessment

Some of the issues raised in this appeal relate to compliance with previous permission and unauthorised works. Issues relating to unauthorised works/non-compliance with conditions attached to F17A/0744 are a matter for the Planning Authority and do not form part of this assessment.

The Board is requested to note that there is a concurrent appeal before the Board (ABP 309653-21) for permission relating to amendments to F17A/0744 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.

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 current appeal before the Board relates only to the works which are included in the description contained in the statutory public notices.

The applicant is seeking permission to retain first-floor window arrangement on west elevation, ie the front elevation onto Strand Street and the prominent elevation relating to the Skerries Architectural Conservation Area (ACA).

The Planning Authority raised no objection to the reinstatement of an original opening at first floor level. I note that the Conservation Officer raised the issue that no rationale was submitted for this. I have examined the information on file and I am satisfied that the reinstatement of the original opening is acceptable.

I also consider the re-instatement of an upper floor within the original building to provide office accommodation at first floor is acceptable and a more suitable use than that originally permitted under F17A/0744.

I have examined the other elements of this retention application, ie the increased height of parapet wall on north elevation, increased area of first-floor plant room, revised ground finished floor level, ridged and lean-to skylights and additional first-floor office area with access stairs do not have an adverse impact on the architectural heritage of the immediate vicinity or on the character of Skerries ACA .

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

Overall the proposal represents an acceptable design approach that reasonably addresses the sensitivities of Skerries Architectural Conservation Area. The

development would not be out of character with the existing pattern of development in the area. The development to be retained would not, in my view, be injurious to the character of Skerries ACA or contrary to objectives set out in the current Fingal County Development Plan.

7.2 Impact on Neighbouring Properties

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/structures.

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 the retention of the increase in height to the northern parapet. I consider the increase in height of the northern elevation by 375mm from that permitted under F17A/0744 would not result in such an incremental impact on No. 13 from that permitted under F17A/0744 to warrant a refusal of permission. I am satisfied that, in this town centre location, the proposed development would have an acceptable relationship with the north-adjoining building.

Concerns raised in relation to the unsightly nature of the roof lights is noted. I consider them appropriate for this location and would not have a detrimental impact on adjoining residential amenities and do not detract from the character of the area.

Concerns have also been raised regarding the use of the 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 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 are of a mind to grant permission.

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

I consider that the development to be retained is 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 development to be retained does 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 development to be retained 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 noted “please

refer to my previous submissions in addition I would like to submit the following facts....”

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 increased in height of the northern parapet would not have a material increase on the impact on Mc Loughlin Lane, a lane accessed and used by the public, from that resulting from the development permitted under F17A/0744.

Other works:

Issues raised in the grounds of appeal relating to matters which are the subject of a concurrent application for permission under ABP 309653-21 are not addressed in this report as they do not form part of the development, as described in the statutory public notices before the Board.

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 development to be retained 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. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 re-commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This retention permission relates only to (i) first-floor window arrangement on west elevation, (ii) increased height of parapet wall on north elevation, (iii) increased area of first-floor plant room, (iv) revised ground finished floor level, (v) ridged and lean-to skylights and (vi) additional first-floor office area with access stairs.

Reason: In the interest of clarity.

3. 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.

4. 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.

Dáire McDevitt
Planning Inspector

9th May 2021