



An
Bord
Pleanála

Inspector's Report ABP310623-21

| | |
|-------------------------------------|---|
| Development | Domestic extension to a protected structure. |
| Location | Moorlands Mews, Whitshed Road, Killincarrig, Country Wicklow. |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 21/370 |
| Applicant(s) | Michael and Mary Bannon |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Michael and Mary Bannon |
| Observer(s) | None |
| Date of Site Inspection | 14 th January 2022 |
| Inspector | Hugh Mannion |

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.3977ha and is located at Moorlands Mews, Whitshed Road, Burnaby Estate, Greystones, County Wicklow. The overall site (within the red line) accommodates an early 20th century main house – Moorlands, and a second smaller house - Moorlands Mews. There are separate accesses from the public road into these two houses. Moorlands Mews is accessed through double gates from the public road into an initial yard area with a short vehicular lane, planting and good boundary screening especially along the road boundary and the adjoining site to the west. Then there are double gates between piers and a paved courtyard immediately in front of the mews building. The eastern boundary with Moorlands is defined by a wooden picket fence with planning.
- 1.2. The Burnaby estate is an ACA for its ‘garden city’ qualities and dates from the early 20th century.

2.0 Proposed Development

- 2.1. The proposed development comprises.
- the construction of a side and front single storey extension (circa 84m²), housing two bedrooms and two bathrooms and ancillary spaces,
 - construction of a new glazed connecting hallway between the existing house and the new extension with an existing courtyard,
 - Refurbishment of the existing house including minor layout amendments and an infill of an existing first floor south western window.

Associated landscape works at Moorlands Mews, Whitshed Road, Killincarrig, Country Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

1. The proposed development relates to an existing mews house associated with the protected structure Moorlands located within the Burnaby ACA. The existing residential use of the mews house is unauthorised. The proposed extension would lead to the subdivision of the curtilage of a protected structure and the creation of a second residential unit on a small site in the ACA and undermine the integrity of a protected structure.

Accordingly, the proposed development would adversely impact the architectural heritage value of the protected structure and ACA, would consolidate unauthorised development and comprise disorderly development that would seriously injure the amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order

3.2.2. Other Technical Reports

None

4.0 Planning History

- 4.1. Under reference 20/756 permission was refused for a similar development but that decision was not appealed.

5.0 Policy and Context

- 5.1. The **Architectural Heritage Protection Guidelines** for Planning Authorities (Dept of Arts, Culture and the Gaeltacht 2011) is the relevant national guidance on built cultural heritage.

5.2. Development Plan

5.3. The site is zoned R10 for residential development in the Greystones-Delgany **LAP**.

5.4. The site is located within the Burnaby ACA. This ACA is described in the LAP as “The Burnaby as an historic residential suburb is not alone locally distinct but also of national interest. The Burnaby represents the historic emergence of low-density garden suburbs for commuting families at the turn of the 19th and 20th centuries facilitated by the rail-line. The Burnaby is similar in style to the suburban subdivisions of North American cities and Australian cities of that era. There are few other comparative examples within Ireland as there was in general limited urban development undertaken on the island during the first quarter of the 20th century.”

5.5. In relation to development within the ACA the Lap states that:

Not all existing buildings in The Burnaby area merit protected status and retention. The adoption of the Burnaby ACA does not preclude nor prejudice the demolition and redevelopment of individual sites provided proposals are in accordance with the policies and objectives of the Architectural Conservation Area. The heritage value of individual buildings will be judged on a case-by-case basis. The adoption of the Burnaby Architectural Conservation Area does not preclude or prejudice against: subdivision of dwelling into apartments, extensions, change of use and/or infill development. However, such development may only be permitted provided they are in accordance with the policies and objectives of the Architectural Conservation Area, and in the case of conversion to apartments cannot result in the subdivision of front gardens. It will be an objective of Council to encourage the retention of original policy railings and hedging to plot boundaries. Where boundaries must be repaired or replaced or where new boundaries are required, the Council will promote the use of policy style railing and formal hedge planting.

5.6. The LAP (objective HER12) states that it shall be an objective of the planning authority:

To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 43 community and business groups to implement environmental improvements within ACAs.
- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.
- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within

Architectural Conservation Areas, except where the character of the ACA is not compromised.

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

5.7. Natural Heritage Designations

None relevant.

5.8. EIA Screening

5.9. Having regard to the modest scale and residential nature of the proposed development and location within a built-up urban area I consider that there are no likely significant environmental effects arising from the proposed development and that the requirement for the submission of an EIAR can be discounted at a preliminary stage.

6.0 The Appeal

6.1. Applicant's Grounds of Appeal

- The site holds two units – the original main house and a mews building (originally the coach house).

- The coach house was always divided between stabling for horses and residential accommodation for staff serving the main house. Over the 20th century the balance became more residential than stable so that the mews house now as an established pre-63 residential use. This conclusion is supported by the existence of 2 separate entrances shown on the 1910 OS map. Therefore, the planning authority's position that a permission for a separate use in the mews building is necessary is not correct and both structures are in separate ownership since 1983. Any boundary changes were implemented then as exempted development because the site was not listed/included on the RPS then.
- The works to the mews building will have no physical impact on the main house on site and very little visual impact. The design of the proposed amendment reflects the architectural quality of the main house and mews. The care taken in designing sympathetic amendments will ensure no negative impact on the protected structure or the character of the ACA.
- Under reference 20/756 permission was refused for amendments to the mews building, inter alia, because there was no record of a permission for the subdivision of the accommodation on site. Although this decision was not appealed the architectural assessment submitted with this appeal demonstrates that no change of use occurred and so no permission for such is required.
- Appeal reference 305898-19 refers to an adjoining site is not relevant to this case.
- The site is zoned R10 in the Greystones-Delgany LAP for residential development at a maximum of 10 units per ha. The site is also within the Burnaby ACA which was so designated for being a good example of early 20 century garden suburb.

6.2. Planning Authority Response

- No submission.

6.3. **Observations**

- None

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This assessment will consider zoning, impact on the ACA, impact on a protected structure residential amenity.

7.2. **LAP zoning**

7.3. The zoning objective for the site in the latest LAP provides for residential development at a low density of 10 units/ha. The proposed development comprises an addition to an existing residential use and therefore complies with the zoning objective for the area.

7.4. **Subdivision**

7.5. One of the planning authority's objections to the proposal is that it would lead to the subdivision of the application site. The applicant makes the case that there have been two separate residential units within the site since the 1980s. The planning authority does not state that it has or intends to initiate enforcement action in relation to unauthorized development on this point. The objective of closely managing the alienation of parts of the curtilage of protected structures is that their settings are not irreparably degraded. In this case the protected structure already comprises two elements (Moorlands and Moorlands Mews) within the overall site and no additional physical separation is being proposed in this application. Given the area of the overall site at 0.4ha I conclude that there is no objection to a modestly enlarged second dwelling within the overall site. Additionally, it may be noted that two dwellings on site of 0.4ha would not materially contravene the zoning objective of a density of 10 units per ha.

7.6. Architectural Heritage

- 7.7. The LAP provides that new development within the ACA will be managed in order to protect, safeguard and enhance the special character and environmental quality of ACAs. The area is characterised by low density residential development generally dating from the early 20th century in a 'garden city' layout. The proposed development has three basic aspects. First a new two-bedroom extension running along the western boundary in the north-western corner of the site. The proposed extension is a more modernist design approach (single storey constructed in timber and stone sitting on a stone plinth) when compared with the existing buildings on site (the original main house and the mews) and in the wider area. However, both the Architectural Heritage Protection Guidelines and the LAP make the point that ACA's are not designed to prevent more modernist interventions in the built heritage but to manage such interventions to broadly protect the heritage character of areas designated as architecturally significant. The two-bed extension is single storey and will not be prominent in views within the area.
- 7.8. Secondly a glazed connecting corridor is proposed linking the new build to the existing mews house. The connecting corridor will not be visible from the public realm and I conclude therefore that the proposed extension and its linking corridor will not unacceptably impact on the architectural quality of the Bunaby ACA.
- 7.9. Finally amendments to the mews building are proposed. The application (see especially drawing PP_006 proposed ground floor plan and the Architectural Heritage Impact Assessment from David Slattery) illustrates the removal of some non-original internal features. I conclude that there will be no unacceptable material impacts on the fabric of the original mews. Having regard to the advice set out in the Architectural Heritage Protection Guidelines which recognise that extensions to protected structures can be justified where accommodation is being upgraded to modern standards, I conclude that the minor changes proposed to the mews building are acceptable from a conservation perspective.
- 7.10. Having regard to the foregoing I conclude that the proposed development will not unacceptably impact on the character of the protracted structure or on the character of the Burnaby ACA.

7.11. Residential Amenity.

7.12. Wicklow County Development Plan requires that 3 bed houses have a minimum of 60m² of private garden. Having regard to the area immediately inside the roadside boundary extending over to the picket fence boundary with Moorlands and the courtyard I conclude that the amended mews site complies with this requirement.

7.13. Appropriate Assessment

7.14. Having regard to the modest scale of the proposed development and the foreseeable emissions therefrom I consider that no appropriate assessment issues arise, and it is not considered 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

8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

9.1. The application site is located in an area zoned for residential development in the Greystones, Delgany and Kilcoole Local Area Plan 2013. Having regard to the modest scale of the proposed development, its nature as an extension to an existing residential use and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the integrity or special interest of a protected structure on site or undermine the quality of the Burnaby Architectural Conservation Area and would otherwise accord with the provisions of the current Wicklow County Development Plan and 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 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p> |
| 3. | <p>The external finishes of the proposed development 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> |
| 4. | <p>The existing dwelling (Moorlands Mews) 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 mews dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p> |
| 5. | <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. The contribution shall be paid prior to the commencement of development or in such phased payments as the</p> |

| | |
|--|---|
| | <p>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 the Board 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 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> |
|--|---|

Hugh Mannion
Senior Planning Inspector

17th January 2022.