



An
Bord
Pleanála

Inspector's Report

ABP-311675-21

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| Development | Apartment extension and associated site works (Protected Structure) |
| Location | Amber, Violet Hill, Herbert Road, Bray, Co. Wicklow. A98 TR66 |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 21988 |
| Applicant(s) | Grainne Birdthistle and David O'Brien |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Maria Gallan and others |
| Observer(s) | None |
| Date of Site Inspection | 6 th January 2021 |
| Inspector | Ian Boyle |

1.0 Site Location and Description

- 1.1. The appeal site relates to Amber, Violet Hill, Herbert Road, Bray, Co. Wicklow, A98 TR66. It is part of a large detached former country house, which was subdivided into 4 no. individual apartments in the 1970's. Amber is one of these self-contained units and comprises a partial section of the ground and first floors of the main house.
- 1.2. The three other units include Violet Hill House, Mandalay and Gallery, respectively, and there are other outbuildings on the site, which were originally used as stables, a coach house, etc. but have since also been converted to residential use. The wider property is sited within grounds containing a mix of small and large trees and shrubbery, which would have previously contributed to a large mature garden. The property is setback from public roads and is well screened by this vegetation.
- 1.3. Violet Hill is a Protected Structure (RPS Ref. B25) and is described in the National Inventory of Architectural Heritage (NIAH) as having been constructed in brick and stone block. There are a number of two-storey projecting gabled bays. Window openings are a mixture of flat and pointed arched and many have timber sash frames. The pitched roof is finished with natural slate. Chimneystacks are brick with corbelled caps and clay pots. The house is designated as having 'Regional Importance' (NIAH Ref. 16400702).
- 1.4. The site is served by a private vehicular entrance and driveway that leads off an internal access road. The access road is meandering and connects to Herbert Road a short distance to the north. The N11 (Regional Road) is to the west and Bray town centre is approximately 2.2km to the northeast.
- 1.5. The appeal site is approximately 167sqm.

2.0 Proposed Development

The proposed development is for an extension and associated works to an existing apartment within the main house.

It can be summarised as follows:

Proposed Extension

The proposed extension consists of a 69sqm addition at the northeastern end of the main house, consisting of a single story pitched roof element offset from the existing building and comprising 3 no. bedrooms, a bathroom, ensuite and linking corridor.

Other Proposed Works

The proposed associated site works consist of the removal of existing double door on the northeast elevation, a new glazed corridor that would link the existing house with the new extension, and removal of paint on selected areas of brick and granite sections on external walls to help restore the house to its original condition.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on 22nd September 2021, subject to 5 no conditions. The conditions are mainly standard in nature.

Condition No. 2 requires payment of a financial contribution.

Condition No. 3 states that the proposed works must be carried out in accordance with the submitted Conservation Report.

Condition No. 4 requires that proposed sample materials be submitted to the Planning Authority for written agreement before the development commences.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed extension to the Protected Structure is considered acceptable in principle under the provisions of the Bray Municipal Local Area Plan 2018-2024 ('LAP') and the Wicklow County Development Plan 2016-2022 (Development Plan), subject to an acceptable design and protection of existing residential amenity.
- Having regard to the urban context of the site, which is surrounded by residential development and mature trees, the proposed extension is muted

and subservient to the Protected Structure. The proposed design of the extension is high quality and integrates to an acceptable degree with the overall building, retains the integrity of the main building, and does not detract from the character of the area.

- The works include internal reconfigurations to the existing unit and external modifications, including: the removal of the existing yellow paint, restoration of the original red brick materials, and restoration of the existing granite window surrounds.
- The removal of paint from the exterior of the building and exposure of the original red brick would have a positive impact on the structure. The ground floor brick restoration would also help the proposed extension to further integrate with the existing house.
- The proposed extension is small in height and scale. Therefore, it is considered unlikely to cause excessive overshadowing or any loss of view to neighbouring properties. The single storey extension has windows on its northwestern side and would only overlook the Applicant's own private amenity space.
- The Applicant proposes to provide a soakaway onsite to deal with drainage, which is considered acceptable.
- The extension is located to the front of the property and does not negatively alter the character of the original Protected Structure. The proposed works respect the existing Protected Structure and are considered acceptable and in accordance with the Existing Residential Zoning Objective for the site.

3.2.2. Other Technical Reports

None on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

3.4.1. A total of six third party submissions were received by the Planning Authority. Four of these are letters of support stating the proposed development would enhance the existing environment, result in no negative visual or residential impacts and would not detract from the integrity of the Protected Structure.

3.4.2. Two submissions raise concerns in relation to the proposed development including that the proposed extension would:

- have a negative impact on the historic fabric of the Protected Structure;
- obstruct views from other residential properties within Violet Hill to the surrounding area;
- detract from the character of the overall Protected Structure due to the proposed partial paint stripping and exposure of brick work;
- require work outside of the Applicant's control to complete the necessary drainage works;
- be of a poor design and choice of materials; and
- result in discrepancies between the permitted development (Reg. Ref. PRR17/544) and the 'existing drawings' submitted as part of the current application (Reg. Ref. 21988).

4.0 Planning History

Subject Site

Reg. Ref. 17/544:

In July 2017, the Planning Authority granted permission for the refurbishment and various internal and external works to the existing dwelling. Most of the proposed works affected the interior of the dwelling.

Surrounding Area

ABP Ref. PL27.246000:

In April 2016, the Board granted permission at Mandalay, Violet Hill (Protected Structure) for the conversion of the attic to habitable accommodation with a new roof structure.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

Zoning

- 5.1.1. The site is zoned 'Existing Residential' under the Bray Municipal District Local Area Plan 2018-2024 ('LAP').
- 5.1.2. The LAP states that the purpose of this zoning objective is to protect, provide and improve residential amenities of existing residential areas. The description for the zoning is provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.
- 5.1.3. The LAP states that land uses generally appropriate for residential zoned areas include houses and apartments.

Architectural Heritage

Chapter 9 of the LAP is in relation to 'Built & Natural Heritage'. The following objectives are considered relevant:

AH1

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

AH2

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. 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. 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, while not compromising the need for energy conservation.

AH4

Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS¹), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.

5.2. Wicklow County Development Plan 2016-2022

- 5.2.1. Chapter 10 of the Wicklow County Development Plan 2016-2022 ('Development Plan') is in relation to 'Heritage'. The following objectives are considered relevant:

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

¹ "The National Inventory of Architectural Heritage can sometimes be utilised as a source of information with regard to the architectural value of any such items or structures."

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.

5.2.2. Appendix 1 of the *Wicklow County Development Plan 2016-2022* ('Development Plan') includes Development Management Standards, which are applicable to the proposed development.

5.3. National Policy

- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011
- Sustainable Urban Housing: Design Standards for New Apartment – Guidelines for Planning Authorities, 2020

5.4. Natural Heritage Designations

No natural designations apply to the subject site.

The closest European site is the Ballyman Glen SAC (Site Code: 000713), at a remove of approximately 1.5km to the north. The site is also a pNHA.

The Knocksink Wood SAC and pNHA (Site Code 000725) is approximately 2.4km to the west. The Bray Head SAC and pNHA (Site Code 000714) is approximately 2.6km to the east.

The Glen of the Downs SAC (Site Code 000719) is approximately 5.3km to the south.

The Wicklow Mountains SAC and SPA (Site Code 002122) are approximately 5.8km and 6.4km to the west, respectively.

The pNHA Dargle River Valley (Site Code 001754) is roughly 500m to the west.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal was received from the residents at The Gallery, The Stable House, and The Coach House (Violet Hill). The main grounds of appeal can be summarised as follows:

- The Planning Authority does not employ a Conservation Architect and no report was received from the Planning Authority's Heritage Officer. Furthermore, no report was received from any other agency responsible for architectural heritage.
- The proposed extension would obstruct the view of the Protected Structure and would seriously detract from its character and setting. The proposal is to build an extension onto the front of the subject apartment and hence at the front of a building. This should never be contemplated for a Protected Structure, regardless of the design, scale, or massing of the proposal.
- The Council Planner is flawed in their assessment of the proposal and there would be a clear adverse impact on the Protected Structure. Whether or not the front of a Protected Structure is visible from outside the boundaries of a property should be irrelevant as the character of the building is not dependent on whether or not it seen from the outside. In this instance, the proposed extension would be extremely visible, in a direct line of sight when approaching the subject site, but also from other properties in the vicinity.
- The proposed extension is not small in scale. It is approximately 50% of the size of the current floorspace of Amber. It would be more than 5m in height at the top of the ridgeline and would obliterate the view of the northeastern façade of the main house. The approaches to the neighbouring houses, all of which are part of the Protected Structure, would also be seriously degraded by the location and design of the proposed extension.
- The proposed roof pitch of the extension is at odds with the steeply pitched roof of the house, which is an essential part of its character. The rear of the elevation is bland and featureless.

- The extension would damage the residential amenity and outwards views of The Gallery (apartment) and impede views towards the driveway including that of its trees.
- The proposed removal of paint from this section of the Protected Structure would lead to illogical differences across the building. This would be incongruous as it would result in the paint being removed from only the prominent visible end of the building but leave behind paint on the upper floors.
- The floors plans submitted with the application are incorrect and have deliberately omitted a bathroom and WC.
- The proposed extension would create difficulties for accessing the upper floors of the Protected Structure for maintenance purposes.

6.2. Applicant Response

The Applicant lodged an Appeal Response on 24th August 2021, which includes the following main points:

Appeal Response Cover Letter

- The Applicant provides background information in terms of how they bought, physically improved and renovated the subject property.
- The location of the proposed extension is well suited. It avails of light, creates privacy, and avoids overlooking and overshadowing of neighbouring properties. It is connected to an unoriginal opening that was inserted in the 1970s, when the building was divided into 4 no. units and of no special interest itself.
- The Gallery and Amber are an addition to the original building, built to serve the needs of a previous era. The overall Protected Structure, therefore, has been in evolution since it was built in 1836 as a boarding school.
- The garden of Amber is 1,349sqm. The extension (69sqm) would not adversely affect the garden. The garden of The Gallery is approximately 0.4 acres and located on the same side of the building as the entrance to the

Gallery. There would be no shortage of green space as a result of the proposed development.

- In relation to the proposed removal of paint, someone must commence this process for it to happen. In time, other owners in the building will see the importance of removing paint from the structure and follow the owners of Amber in doing this (i.e. the Applicant).
- There is no right to a view under planning legislation.
- The Applicant provides an overview of the Council's Decision (Notification of Decision to Grant Permission) and submits that the conditions attached demonstrate that the Planning Authority is seeking to ensure cohesion of design between old and new.

Conservation Report

- A historical context, background and description of the subject site, Violet Hill (Protected Structure) and its wider area, is provided in the report.
- The proposal, and its methodology, are outlined in Sections 4.2 and 4.3 where a description of the proposed extension (new building), the glass link, and removal of paint and restoration works are described in detail.
- The proposed development would be separate from the house so that there is a clear difference between the new and existing elements.
- The extension has been designed as a contemporary out-building to the original house. It adopts a similar form of design and utilises sympathetic materials as the other existing outbuildings that are onsite and would not look out of place.
- The impact of the extension would be offset by the proposed removal of paint from the brickwork and stone cladding. This would restore the original colour and detailing of the Protected Structure and encourage other residents to do the same in the future. It would be a very positive intervention and would benefit the building.
- The choice of materials (brickwork, timber windows, etc.), and proposed lightweight connection to the existing building would minimise any negative

impact which the proposed extension could have on the Protected Structure. It would also provide privacy and screening to the outdoor space – which is the private garden – and allow for a better connection to the existing kitchen.

- The proposed glass corridor provides a minimal connection between the proposed extension and Protected Structure. It also seeks to use different materials to make the link visually apparent. It is intended to be used as an art space, or hallway, and not for general circulation purposes.
- The proposed extension would make it easier for the Applicant to enjoy the house long-term and provide for the needs of their family. It is contemporary, low in height, well -detailed and uses materials that complementary to the Protected Structure.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Impact on Protected Structure
- Other Issues
- Appropriate Assessment

7.1. Impact on Protected Structure

Proposed Extension

- 7.1.1. The proposed development is approximately 69sqm and would be located at the front (northeastern) section of the appeal site. It would extend from the side of the main house, which is a Protected Structure, and be situated within the driveway for Amber. The driveway is covered in loose gravel and grass and is currently used to accommodate parked vehicles and as an informal front garden space. The purpose of the extension is to extend the amount of living space available to the Applicant, and their family, and to make the unit fit for modern living.
- 7.1.2. It is acknowledged that the proposed development is situated along the northeastern elevation of the Protected Structure, which is a principal elevation associated with the main house. Therefore, any proposed extension must be of a very careful and

sensitive design. It should avoid negatively affecting the character of the building or obscuring any features of interest. The choice of materials and finishes is also very important.

- 7.1.3. I note that the Applicant has not prepared a specific visual analysis such as photomontages or CGIs. However, there is sufficient information on file, submitted as part of the application and appeal, to determine the likely level of impact that would be experienced by the Protected Structure and other properties in its vicinity.
- 7.1.4. The extension would include three bedrooms of varying size (between 11.5sqm and 15sqm), an ensuite, and bathroom. A narrow, flat-roof, glazed corridor would connect the extension to the main house and is denoted on the drawings as a new art studio / hall. The more prominent elevation of the extension – which is the proposed northwest elevation – has been designed to include the windows and glazed doors and would face towards the Applicant's own private amenity space. This part of the proposed extension would be most visually prominent as one travels down the main driveway towards the subject site.
- 7.1.5. The extension is approximately 5.2m in height at the top of the roof pitch and 3.1m at eaves level. The proposed materials seek to utilise a combination of red brickwork, glazed aluminium timber clad windows and doors, natural slate for the roof and grey plaster at the gable end of the structure. The finishes have been selected to tie in with the materials and finishes of the existing house, which are also mainly brick and natural grey slate. Whilst the pitch of the roof is less steep than the existing house at 30 degrees, I do not consider this to be so different that it is at odds with the character of the Protected Structure, or that it disrupts the symmetry of its roof profile.
- 7.1.6. The proposed corridor – to achieve an obvious physical demarcation between the proposed new build and original house – drops in height to 3.1m. There is also an apparent difference in the choice of building materials that would be used in its construction, which would help attain the desired modern contrasting style when compared with the original house. The proposed scheme design presents as a contemporary outbuilding to the original house. It is similar in terms of volume and choice of building materials to the other outbuildings on the site and, in my view, it is

sympathetic to the existing historic fabric without appearing replicate like-for-like the original style of architecture.

- 7.1.7. I note that on the approach from the driveway, the view of the houses deeper into the site would be partially impeded. However, in my opinion, this would not be to a degree that it would seriously degrade the character of the buildings' Protected Structure status. The buildings would still be readily viewable from most locations onsite so that the visual link between them and the main house would not be completely severed.
- 7.1.8. I have considered the proposed development in the context of the Architectural Heritage Protection – Guidelines for Planning Authorities (2011) and have had regard to the extensive works and alterations that have been carried out within the building to date. In my view, the proposed design would not compromise the symmetry or be detrimental the house.
- 7.1.9. The Appellant submits that the rear (southeastern) elevation of the proposed development would be bland and featureless. However, I would note that this part of the extension is not the main elevation of the proposed development. Furthermore, I consider that the proposed simple design is appropriate, without superfluous or excessive design features. The materials proposed for the extension would be mainly red brick and slate for the roof and I note that the boundary wall would remain low at 0.7m in height. In my view, this would be an appropriate elevational and boundary treatment, which would not have a negative impact on the Protected Structure, its surrounding vicinity, or the residential amenity of adjacent properties.

Proposed Modifications to Existing Building

- 7.1.10. The proposed development seeks modifications to the existing apartment and external changes, including the removal of yellow paint and restoration of the original brickwork. The paintwork is accepted by each party as being unattractive and unpleasant. I note also that the NIAH record for the structure (Ref. 1640072) states that the building is somewhat spoiled with the painting of the brickwork.
- 7.1.11. The Appellant states that the removal of paint from this section of the Protected Structure now would only lead to illogical differences across the building. It would result in the paint being removed from the prominent visible end of the house but leave paint on the upper floors. It is submitted that a better approach would be to

strip the paint from all parts of the Protected Structure concurrently – in the future – and as part of a single project that has agreement from all residents.

- 7.1.12. I acknowledge that the scenario of having a part restored section of the building would be less favourable than completing the works simultaneously. However, I consider that it would be a missed opportunity to start the process of stripping the unattractive yellow paint from the building in the short-term and of restoring the original brickwork material. The removal of the paint would also help the extension to further integrate with the existing main house and other original structures on the site.
- 7.1.13. I note that some of other buildings have not been painted, including buildings at the rear, and that they have retained the original red brick. A submission from the owners of Mandalay also states that it is their intention to commence a similar restoration process for their own property, including the removal of paint, if permission is granted.

7.2. Other Issues

Views from Windows

- 7.2.1. The Appellant submits that the proposed development would damage the residential amenity and outwards views of The Gallery overlooking the driveway with its trees.
- 7.2.2. Whilst it is acknowledged that the new extension would be visible to the Appellant from within their property, I do not consider that this would significantly impact the visual or residential amenity that is currently offered to them.

Compliance with Apartment Guidelines

- 7.2.3. The proposed extension is in accordance with the required minimum floor areas and standards as per the Sustainable Urban Housing: Design Standards for New Apartments (2020).
- 7.2.4. The Guidelines require a minimum of 11.4sqm for double bedrooms. I note that smallest proposed bedroom (Bedroom No. 3) is 11.5sqm. The standards in relation to minimum bedroom widths are also met.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and small scale of the proposed development, which is for an extension to an existing residential apartment in an established urban and serviced area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the *Bray Municipal District Local Area Plan 2018-2024* and the *Wicklow County Development Plan 2016-2022*, and to the nature, design and layout of the proposed residential extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would not materially or adversely affect the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the 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 |
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| | <p>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>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 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> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |

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| 4. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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.</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 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 7. | <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</p> |

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.

Ian Boyle
Planning Inspector
31st January 2022