



An
Bord
Pleanála

Inspector's Report ABP311792-21

Development

Construction of a house, provision of 2 parking spaces and internal driveway via new vehicular entrance gate off permitted access road from Farm Lane, provision of new vehicular and pedestrian entrance gate to serve replacement dwelling and all ancillary works.

Location

Meadow Garden, Farm Lane, Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

21980.

Applicant(s)

Catriona and Sean Fitzpatrick.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant(s)

Catriona and Sean Fitzpatrick.

Observer(s)

Fintan Graham.

Date of Site Inspection

04.05.2022

Inspector

Mary Mac Mahon.

1.0 Site Location and Description

- 1.1. The site is located in the western section of The Burnaby Estate, circa 800 metres west of Greystones town and DART station. The Burnaby Estate is a garden suburb, initially developed circa 1890 and has been designated an Architectural Conservation Area of national importance. The area is characterised by large dwellings developed on individual, irregular sized plots, with mature landscaping.
- 1.2. The site is accessed from Farm Lane, which is a secondary and in part, unmetalled lane, providing a circular link between Whitshed Road and Portland Road North. It serves a small number of houses. Greystones Golf Club borders the lane where there is an apartment development to the west. The immediate plots adjoining the site is the Spinney to the east, Camaderry, Meadow Bank, Inglefield to the north and Rosella to south west. The site area is stated as 0.1280 ha (the landholding is circa 0.2667 ha). The site is overgrown.
- 1.3. The site falls from north to south from approximately 34.2 metres to 28.5 metres, in an east-west direction.

2.0 Proposed Development

- 2.1. The proposed development is for a backland, two storey, four no. bedroom dwelling on an infill site. Permission was granted by An Bord Pleanála for a replacement dwelling on the property following fire damage (ABP 307860-20, 191239) on 14.12.2020. This permission provided for a new wastewater treatment system and upgrades to Farm Lane. The proposed development is located to the rear of the permitted dwelling and access is via the same driveway. The site area is stated as 0.1280 ha on the planning application form. However, the Engineering Technical Note refers to the site area as 0.1634 ha.
- 2.2. The proposed development repeats the design of the permitted dwelling – it is two storey, with the ground floor serving bedrooms and the first floor containing the main living areas. A terrace wraps around the first floor. The ‘front’ door is to the rear of the proposed dwelling. The gross floor area is stated as 238 square metres.
- 2.3. The proposed dwelling is circa 17.6 metres from the permitted dwelling (with the permitted dwelling being circa 1.3 metres lower; circa 26 metres from Spinney (to the

east) and 29 metres from Rosella (to the southwest), with sheds located between the two. Please note that Luna and the Spinney have been misidentified on the Ordnance Survey site location plan.

- 2.4. The lower floor Finished Floor Level is stated as 31 metres. The upper floor Finished Floor Level is stated as 33.8 metres. The upper floor Finished Floor Level of the permitted dwelling is 32.55 metres. The ridge height of the proposed dwelling is stated as 38.15 metres and the permitted dwelling is 36.9 metres – a difference of circa 1.25 metres. A retaining wall is to be provided between both dwellings, of 3.2 metres in height.
- 2.5. Foul drainage is to be discharged via gravity to a proprietary sewage transfer station, which will pump effluent through 'Camaderry' to an Irish Water rising main. Storm water from the roof and paved areas will discharge to stone filled soakaways. Stormwater from the road will be infiltrated within a landscape feature. Water supply is from the public mains.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for a single reason:

"The site of the proposed development is located in the Burnaby Architectural Conservation Area; a historic residential suburb developed at the turn of 19th and 20th centuries, and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan, 2013 seek to protect, safeguard and enhance the special character of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas.

Having regard to:

The location of the proposed development in the rear garden of the permitted dwelling;

The size of the application site and scale of the proposed dwelling and;

The design and form of the proposed dwelling, which is uncharacteristic for the established form of development in the Barnaby;

It is considered that the proposal would result in a cramped and uncharacteristic pattern of development, which does not reflect the traditional, sylvan and spacious garden suburb pattern of the Architectural Conservation Area. Accordingly, it is considered that the proposed development would unduly impact the amenities, character and setting of Farm Lane, and would detract from the character of the Burnaby Architectural Conservation Area, a low density area of historical and architectural interest, composed mainly of large, family style houses on generous sites with a sylvan character. The proposed development would therefore be contrary to the provisions of the Local Area Plan and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

Planning Reports

The Planning Officer’s report states that no pre-planning consultation occurred.

The site is zoned R10 Residential in the *Greystones Delgany and Kilcoole 2013-2019*. The objective provides for a maximum density of 10 units per hectare. The planner’s report refers to HER 12, policy in relation to Architectural Conservation Areas (please see Section 5.3 of this report for details).

The designation of Architectural Conservation Area (ACA) does not preclude infill development or innovative and contemporary design, providing it does not detract from the character of the area. The Burnaby is a historical residential suburb of national interest. It was developed in the 19th and 20th century as a garden suburb, reliant on the railway line and similar in character to North American and Australian cities of the era. Few were developed in Ireland.

The Planning Officer’s report details the submissions received about the proposed development. It notes precedent cases on nearby sites which have been refused planning permission for reasons similar to that set out above. The back garden infill approach would alter the character of the Barnaby ACA and would have a serious and negative impact on the amenities, character and setting of Farm Lane. The plot of the proposed and permitted units would be significantly smaller than those in the vicinity of the site.

The height of the proposed dwelling is circa 1.2 metres higher than the permitted dwelling. It is similar in design and finish. In relation to overlooking of other properties, no new overlooking opportunities are created. In relation to access, road improvements are already permitted. Further information could be requested on the impact of pipework along the boundary of the site.

Other Technical Reports

Environmental Health Officer:

No objection.

Irish Water:

Conditions recommended.

4.0 Planning History

ABP 307860-20 (19/1239)

Planning permission granted for the demolition of the existing, single storey, fire damaged dwelling and removal of existing entrance gate and replacement with a two storey detached dwelling, installation of new wastewater treatment system and associated polishing filter and improvement works to Farm Lane (14.12.2020).

In the vicinity of the site:

ABP 305898-19 19/544 Whitshed Loge, Whitshed Road, The Burnaby

Planning permission refused for a dwelling house on a site of 0.1 ha accessed from Portland Road North for the following reasons:

1. The site of the proposed development is located within 'The Burnaby', which is a low density area of historical and architectural interest, composed mainly of large, family style homes located on generous sites and is located within a designated Architectural Conservation Area (ACA) of National interest, as set out in the '*Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019*'. It is considered that the proposed development would be out of character with the existing pattern of development in the area, would represent a cramped form of development in 'The Burnaby' Architectural Conservation Area, would conflict with the objectives of the planning authority for the area and would, therefore, be contrary to the proper planning

and sustainable development of the area. Furthermore, it is considered that the siting and scale of the proposed development results in an overbearing form of development that would be contrary to Objective HER12 of the 'Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019' in that the development would erode the character of the ACA. The proposed development would, therefore, seriously injure the character of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the disposition on the site of the existing dwelling "Whitshed Lodge" and its attendant grounds, and the proposed subdivision of the grounds, it is considered, that the resultant private amenity space available to the existing dwelling, which would be directly to the front, dominated by the driveway and overlooked by the proposed development, would be inadequate for use by future occupants. The proposed development would, therefore, seriously injure the residential amenity of the area and be contrary to the proper planning and sustainable development of the area.

ABP 247849 16/1167 for a similar development on the same site refused planning permission.

18796 – Cedar Hill, Portland Road North – planning permission granted (08.10.2018) for a detached house at this backland location, on a site of 0.15 ha.

Adjacent to the subject site:

A number of planning applications have been made on this.

ABP 243574 141317 – Permission refused for a dwelling on the site, as the form, design and proportions of the proposal did not have sufficient regard to the building already on site and would constitute an incongruous feature, seriously injuring the visual and residential amenities of the area and set an undesirable precedent.

Permission was subsequently granted under 15855 and 161076. The site area is stated as 0.1 ha.

5.0 Policy and Context

5.1. National Policy

Project Ireland 2040: National Planning Framework 2018

The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Sustainable Residential Developments in Urban Areas 2009

The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division:

(i) Infill residential development Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or walking time-bands. sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality,

civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.

Architectural Heritage Protection Guidelines for Planning Authorities 2011

The above guidelines require the preservation of the character of Architectural Conservations Areas. Section 3.2.4 states that the significance of an area may be that it is an exemplar of a widely dispersed pattern of structures or spaces on a national or international scale, in which case the significance and the basis for its protection is based on the wider ensemble of which it may be a component.

5.2. Development Plan

The *Wicklow County Development Plan 2016-2022* applies. In it, zonings are mapped in Local Area Plans.

In relation to zoning, the plan states:

“The priority for new residential development shall be in the designated ‘town’ and ‘village’ / ‘neighbourhood centres’ or ‘primary zone’ in settlements with development plans, or in the historic centre of large and small villages, through densification of the existing built up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, particular cognisance must be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements.”

HD2: New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

HD9: In areas zoned / designated ‘existing residential’, house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the

immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD10 In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

In relation to Built Heritage, the plan states that its policy is:

to ensure the protection of the architectural heritage of Wicklow through the identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of designed landscapes and historic gardens, and the recognition of structures and elements that contribute positively to the vernacular and industrial heritage of the County;

BH18 Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.

BH19 The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:

- Proposals will only be considered where they positively enhance the character of the ACA.*

- *The siting of new buildings should, where appropriate retain the existing street building line.*
- *The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.*
- *Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area should be retained where possible.*
- *A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.*
- *The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.*
- *Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from the attributes of the ACA.*

5.3 *The Greystones Delgany and Kilcoole 2013-2019 is the Local Area Plan. It should be noted that this Local Area Plan has expired.*

The zoning that applied to the subject was R10 – “To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity.”

RES 3:

The development of zoned land should generally be phased in accordance with the sequential approach:

f Development should extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. ‘leapfrogging’ to peripheral areas should be avoided;

f A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and

f Areas to be developed should be contiguous to existing developed areas.

RES 5

On undeveloped residentially zoned land, it is an objective of the Council to provide for the development of sustainable residential communities up to a maximum density, as prescribed by the land use zoning objectives indicated on Map A and described in 'Table 11.1: Zoning Matrix'.³ In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unsewered, low density housing areas become served by mains sewers, consideration will be given to densities above the prevailing density, (up to 10 / ha, depending on local circumstances), subject to adherence to normal siting and design criteria. Apartments generally will only be permitted within Greystones Town Centre, Kilcoole Town Centre, Delgany Village Centre, Neighbourhood Centres, Small Local Centres, Greystones Harbour and North Beach Action Plan, South Beach Action Plan and within 10 minutes walking distance⁴ of Greystones train station. Within existing residential areas, regard shall be paid at all times to the overriding objective of the Council to protect the residential amenity of these areas and to only allow infill residential development where this reflects the character of the existing residential area. Apartments will not normally be permitted on sites surrounded by predominantly single family occupied housing estate developments.

RES6:

Purpose built apartments will not be permitted in the Old Burnaby.

In relation to heritage, there is a general objective to "Protect the built heritage of the area, including Architectural Conservation Areas (ACAs), protected structures and recorded monuments and places".

HER1: Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest. The

natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan.

Development in an ACA

HER12: To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs: f Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.

f 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.

f 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.

f 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.

f Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.

f 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.

f Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking will not normally be permitted.

f Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.

f All electricity, telephone and television cables within ACAs shall be placed underground where possible.

f 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.

Appendix B provides specific guidance in relation to development in the Burnaby ACA:

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.

5.3. Natural Heritage Designations

Having regard to minor scale and the foreseeable emissions from the proposed development 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.

5.4. EIA Screening

Having regard to residential nature and minor scale of the proposed development, its location on a brownfield site in a built-up urban area where public water supply and public sewerage are available and in light of the foreseeable emissions therefrom it is possible to exclude the requirement for submission of an EIAR at a preliminary stage.

6.0 The Appeal

6.1. The appeal has been prepared by Hughes Planning and Development Consultants, on behalf of the First Party.

6.2. Grounds of Appeal

- Given the backland location of the site, the proposed dwelling will have limited in the Burnaby ACA – a minimum of 50 metres from the public realm and landscape screening.
- The area is mature, with significant recreational infrastructure and proximate to Greystones, with public transport, retail and school facilities.
- In the previous case, the Board Inspector acknowledged that the site was on the fringe of the Burnaby ACA, where there is a greater prevalence of more contemporary and conventional housing.
- The design, similar to that proposed, was considered acceptable.
- The quality of dwelling houses in this part of the Burnaby ACA could be described as having limited architectural merit.
- Higher density plots are identified within the Burnaby ACA. Adjoining plots with similar style dwellings are identified. Therefore, the precedent of similar style dwellings has been set.

- The subdivision of plots has been permitted previously – Reg. Ref. 161076 allowed for the subdivision of the Spinney to facilitate an independent dwelling ('Luna') where a granny flat existed. This unit is adjacent to Farm Lane and far more visible. The site area, at 0.101 ha is comparable. The single storey dwelling is stated as 217 square metres and the proposed dwelling is two storey and 238 square metres. It is a precedent case.
- Backland development has been permitted in the Burnaby ACA under Reg. Ref. 18794.
- An Architectural Heritage Impact Assessment Report has been prepared by Cathal Crimmins, Architect. He outlines the history of the Burnaby, located near Greystones Railway Station. Construction began in 1890 and was largely completed by 1905, with additional development in 1908. The 1940 Ordnance Survey map shows this part of the Burnaby as undeveloped. Therefore, the dwellings located in this part of the Burnaby are generally late 20th century development – many of limited quality. The report on page 8 states:

“The site and area in question is not of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value and does not contribute to the revitalisation of the fabric of towns, villages and rural areas by supporting their aesthetic value, giving them a distinctive identity, and this make a positive contribution to local economies and tourist potential. The site is not of Heritage significance.”

The style of the proposed dwelling house is not unlike Frank Lloyd Wright 'Avery Coonley House' which is situated in a similar sylvan, suburban location (such places in America being the inspiration for the Burnaby). The proposed development is of a high quality design.

- The proposed development complies with the density requirements for the site and so cannot be considered 'cramped'. This density is significantly below the density ranges currently being recommended.
- The use of the lands for an additional dwelling is in keeping with national policy (please see Section 5.1).

6.3. Planning Authority Response

- None provided.

6.4. Observations

An observation was received from Mr. Fintan Graham, who resides in the Spinney, the dwelling to the east of the proposed dwelling.

- The elevation figures and separation distances of the proposed upper balcony of House B are not precise and so underestimate the extent of overlooking of the observer's kitchen, dining rooms and bedrooms. In contrast, House A only overlooks the garden.
- The roots of the Leyland cypress tree to be retained will be damaged during construction and there is a risk that this tree will fall at some point in time. If this occurs there is likely to be significant damage to the observer's dwelling. No arborist's report is provided by the applicant.
- It would appear that 4 houses may be planned for the site, as set out in the planning authority's Pre-Application Consultation notes. The laneway is unsuitable for this volume of traffic, lacking width, passing bays and its use by pedestrians. The drawing submitted show that a HGV and a car cannot pass each other, resulting in reversing movements.
- If permission is granted, the laneway should be taken in charge by the planning authority, to ensure it is suitable for use.

7.0 Assessment

- 7.1. As a general comment, planning policy in Wicklow County Council, is generally supportive of increased density of residential development, subject to appropriate safeguards, which is consistent with national policy. There are specific policies in the *Greystones-Delgany-Kilcoole* LAP (GDKLAP), which although expired, provides guidance on development within the Burnaby ACA. The main issues in this appeal, in my opinion are:

- The appropriateness of the proposed development on the Burnaby ACA;
- The impacts of the proposed development in this backland location;

7.2 Development in the Burnaby is not precluded by the Local Area Plan. The GDKLAP acknowledges that some buildings do not merit retention and that infill development may be considered. The heritage value will be considered on a case by case basis. I note that the adjoining plot to the east has been subdivided, albeit the new dwelling is aligned to the road frontage, as opposed to back land development.

7.3 The dwellings in the vicinity of the site are mixed – some are very high quality (irrespective of date of construction) and make a significant contribution to the ACA, and others are of limited value. This site has a low profile in relation to the main road (Whitsend Road) in the Burnaby ACA and visibility of the site would be limited to views from the golf course. I would not consider the site location contributes a significant part of the 'urban public domain' in the ACA. The effects on the character of the ACA are equally limited as a result.

7.4 The site area is larger than the adjacent site where planning permission has been granted by the planning authority and the site off Portland Road North, which is more centrally located in the ACA. However, a portion of the site consists of the access road, so the net area would not be dissimilar to 0.1 ha. The density of the entire landholding would be in accordance with the RE zoning of the site.

7.5 The site is located to the rear of the permitted dwelling house and is some 1.3 metres higher. The permitted house is designed so as no overlooking of it would arise from the proposed development. In relation to overlooking of the Spiney, there is circa 25 metres distance between the proposed terrace, with the majority of the distance within the site. The orientation of the proposed dwelling is set at angle. Furthermore, the north-eastern elevation is largely solid. While the Spinney has not been previously overlooked on this side, I do not consider that the extent of overlooking, irrespective of the height it is overlooked from, would give rise to serious injury of residential amenities.

7.6 The design of the proposed development is very similar in nature to the permitted dwelling. The appellant points to existing dwellings in Burnaby that are also very alike.

However, the precedent cases, in my opinion, demonstrate the inappropriateness of the approach. While the design has been previously permitted, I do not consider it's repetition the correct design approach in the Burnaby ACA. The Burnaby is not a typical suburban estate. Part of its character derives from the dwellings which are, by in large, individual, designs. This character of the area which the planning authority is seeking to preserve. Given the national importance of the ACA, any new development must be of a very high standard. The repetition of the design diminishes the quality and character of the ACA in this area and permission should be refused on this basis.

7.7 I am satisfied that the drainage arrangements, which are shared with the permitted dwelling, are satisfactory, subject to condition.

7.7 In relation to traffic matters, I am satisfied that the low level of traffic generated by the proposed development, would not give rise to traffic hazard. On the day of my site visit, I saw a number of school children using the route. However, given the alignment of Farm Lane, traffic speeds will be low, therefore I do not consider this a reason for refusal. There was only one pull-in bay that I noted on the route. However, there are a limited number of residences on this part of the road and so the need for a pull-in bay is also limited. In relation to the ability to upgrade Farm Lane, that is a civil matter and Section 34(13) of the Planning and Development Act, as amended, applies. In short, I do not consider that the proposed development would give rise to traffic hazard.

7.8 In relation to the potential for development on this site to undermine the tall trees on this site, I would suggest that any future application be accompanied by an arborist's report, which would detail the quality of the trees to be retained and the necessary root protection zones.

8.0 Recommendation

8.1. I recommend that the proposed development be refused planning permission.

9.0 Reasons and Considerations

Having regard to the *Architectural Heritage Protection Guidelines for Planning Authorities, 2011*, the policy of the *Wicklow County Development Plan, 2016-2022* and the location of the site in the Burnaby Architectural Conservation Area; a historic residential suburb developed at the turn of 19th and 20th centuries, which is considered to be of national interest, and, the planning history of the site, it is considered that the proposed development, by way of the design approach adopted, undermines the character and adversely affects the setting of the Burnaby Architectural Conservation Area, which it is planning policy to preserve. The proposed development would, therefore be contrary to the proper planning and development of the area.

Mary Planning	Mac	Mahon Inspector
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16 May 2022