



An
Bord
Pleanála

Inspector's Report

ABP-312068-21

Development

Retention of single storey extension to front/eastern elevation and side/northern elevation of restaurant with associated signage, signage to side/northern elevation and associated site works.

Location

Ripasso Italian Restaurant (Protected Structure) , 1 Albert Avenue , Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

211134

Applicant

PEQ Restaurants.

Type of Application

Permission.

Planning Authority Decision

Split decision

Type of Appeal

First Party

Appellant(s)

PEQ Restaurants.

Observer(s)

1. Aidan McDonnell
2. Helen Keatings

Date of Site Inspection

8 April 2022.

Inspector

Mairead Kenny

1.0 Site Location and Description

- 1.1. The subject site is located at the seafront in Bray, at 1 Albert Avenue, also known as Brennan's Terrace. The building is one of a terrace of twelve similar structures, all of which are two-storey over ground level Victorian buildings.
- 1.2. The site is occupied by a restaurant at the ground floor. There is a front extension and side extension which are of similar design.

2.0 Proposed Development

- 2.1. Permission is sought to retain the single-storey restaurant extension to the front and side and the associated signage and to retain a small fascia sign to the side.
- 2.2. The description of the public notices refers to the extension being to the side – this refers only to a very minor component of the extension for which permission to retain is sought.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a split decision.

Permission was granted to retain signage to the side/northern elevation. This was subject to a standard condition.

Permission was refused to retain a single-storey restaurant extension to the front and side. The reason for refusal noted the zoning objective to protect and enhance the character of the seafront area and consider that the development would seriously detract from the visual amenities of the area and the integrity of the protected structure and thereby be contrary to the development plan objective and seriously injure the amenities of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points in the planner's report include:

- The restaurant extension appears to be a temporary structure but could be in place for the long term.
- External design and materials are relatively poor quality and fails to reference or complement the Victorian seafront character.
- Has an adverse impact on visual amenities of the streetscape and on the character of the protected structure.
- The extension does not result in significant new floor area and the covering of the outdoor seating with an extension may contain noise and the development would not result in significant new adverse impacts on residential amenities.
- Additional information will be required relating to storage of waste.

3.2.2. Other Technical Reports

None.

3.3. **Prescribed Bodies**

Irish Water - standard requirements.

3.4. **Third Party Observations**

The issues raised in the 3 no. third party observations relate to:

- Out of character with terrace and would set undesirable precedent.
- Direct impact on residential amenities of residence overhead and use of garden level lands. Ownership of the area to the east of the site is in connection with the residential unit overhead the restaurant.
- Use of the outdoor area extends beyond the previously authorised trading hours of the outdoor dining space.
- Adverse impacts relating to waste storage, noise, parking and reflected light.
- Private property issues.

4.0 Planning History

Reg. ref. 15/1052-permission granted for outdoor seating area to front of restaurant. Condition 3 requires that the outdoor area be closed between 22.00 and 08.00.

A more extensive planning history is set out in the planning authority reports.

5.0 Policy Context

5.1. Municipal District Local Area Plan 2018

The site is within Bray Seafront zone. Relevant objectives include the protection and enhancement of the character of the area and to permit development where it does not negatively impinge on the amenity and character of the area.

The development plan objectives relating to this area include strong support for activities which enliven the seafront and contribute to its vitality. The protection of the viability of such activities is recognised under the vision. The tourist and recreation related functions are referenced and supported.

The subject building is a protected structure.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the appeal are:

- The planning history includes a grant of permission for retention of an outdoor area of 60 m² of dining space enclosed by planters (reference 15/1052).
- The policy context is outlined. It must be balanced by countervailing policies of protection which are also described.
- The effect is moderate when outweighed by the positive benefits associated with reinforcing the vitality and viability of the seafront.
- Precedent cases are cited.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

Aidan McDonnell

The observer states:

- The address given is an attempt to circumvent planning requirements.
- There is no clarity relating to storage of waste.
- Noise and disturbances affects us at no. 3.

Helen Keatings

The observer states:

- The retention of the timber structure is not in keeping with the preservation of the Victorian terrace.
- The proposed development would set an undesirable precedent.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. Having regard to the planning history there is an established and a permitted use for outdoor dining to the front of the restaurant and this appeal therefore relates solely to the structure at garden/basement level and to signage. The structure is adjacent to the steps to the ground floor level above and takes up approximately half of the front garden associated with the protected structure. There is another enclosed area to the north/side of the building, but the majority of that area is not part of the subject development. I consider that the appeal can be assessed under the following headings:

- impact on protected structure

- vitality and viability of seafront
- residential amenity.

7.2. Impact on protected structure

- 7.3. The building on site is described in the National Inventory of Architectural Heritage as an end of terrace two bay 2 storey over basement house, one of a largely identical row of twelve built in 1859. The NIAH appraisal is that the residence belongs to one of Bray's earliest and most complete seafront terraces and therefore remains of considerable importance in terms of local heritage and also makes a positive contribution to the streetscape.
- 7.4. The buildings in this terrace all retain their general form and the terrace is widely visible, prominent and contributes significantly to the character of the area. In general, the buildings in the terrace have been modified in terms of the detail of architectural features and the majority of front gardens are utilised for parking. A prominent feature in the buildings is the arrangement over three-storeys of the bay windows.
- 7.5. The appellant refers to the modest scale of the structure, that it matches the extension to the north and that this overall impact on the setting and character of the structure is modest. The proposed development is described as merely seeking to enclose the existing permitted raised outdoor dining area to provide a sheltered ventilated area. The appellant refers to precedent cases. The planning authority refers to a recent decision of the Board under ABP-307732 and a refusal of permission at a hotel at the seafront for an outdoor seating enclosure. The merits of this particular case are set out below.
- 7.6. I consider that impact of the extension has to be considered both in the context of the prominent position of this building and the detailed design. I consider it is particularly relevant that the subject structure completely obscures the bay window feature at garden level. While the steps to the upper two levels remain visible in direct views from the pavement, the structure obscures the steps when viewed from an angle and blocks views to the basement level bay window (which has been modified) and thereby detracts from the architectural integrity of the building. Notwithstanding its relatively low-lying and simple flat roof profile, I consider that the

subject structure serves to disrupt the composition of the front façade and results in it being out of character with the remainder of the terrace. I consider that the enclosed structure, located prominently at the end of the terrace, detracts from the character of the terrace and in particular the subject building and is a discordant feature.

7.7. I consider that the signage is acceptable and should be permitted.

7.8. **Vitality and viability of the seafront**

7.9. The seafront in Bray is a destination of regional importance and public realm has been upgraded in recent years. The appellant outlines the background to the subject developments including the operational difficulties posed by the pandemic and the government response in the form of financial support to promote outdoor dining. Temporary permission is requested subject to a condition requiring removal of the extension by January 2024, thereby allowing for preparation of a revised scheme.

7.10. The extension is stated to be needed to shore up the viability of the restaurant in light of changing customer habits since the pandemic. The appellant refers to local policy objectives relating to vitality and viability of the seafront which it is stated will be met by a temporary permission. I consider that the permitted outdoor area meets this objective and that the appellant's arguments do not pay sufficient heed to the need to protect the character of the subject building.

7.11. I consider that the applicant's request for a permission until 2024 is unduly lengthy and not reasonable. The context includes the apparent commencement of enforcement by the planning authority on 24 June 2021. I have considered whether it would be reasonable to grant permission for one year from the date of decision, to allow for the design and implementation of an alternative development. Having regard to the permitted outdoor dining space and my concerns relating to the principle of developing an enclosed structure to the front of the protected structure my recommendation is to refuse permission.

7.12. **Residential amenity**

7.13. The relevant zoning objective SF is to promote the seafront area as the primary tourist, leisure and recreational centre of the town and states that the quality of residential amenity must be viewed in light of this objective and the long-standing

use of this area for leisure uses. Having regard to the planning history which includes permission for an outdoor dining area and the development plan policies including the zoning objective I do not consider that the issues raised by third parties relating generally to noise impacts are significant issues. In the event of a grant of permission a condition clarifying the hours of operation would be appropriate.

- 7.14. The restaurant requires a dedicated waste storage area. It appears that the operation of the restaurant due to the intensity of use is giving rise to adverse impacts which are unacceptable.

8.0 Recommendation

- 8.1. I recommend that a split decision be made.
- 8.2. Permission should be granted for the fascia signage on the northern elevation for the reasons and considerations in Schedule 1 and subject to the condition in Schedule 2 below.
- 8.3. Permission should be refused for the single storey restaurant extension to the eastern and northern elevation for the reason set out in Schedule 3.

9.0 Schedule 1

It is considered that, the signage proposed to be retained would not be visually obtrusive or detract from the architectural integrity of the protect structure and would be in keeping with the general character of the area. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Schedule 2

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

11.0 **Schedule 3**

Having regard to the nature, scale and location of the enclosed structure to the front of a protected structure which is prominently located on the seafront and at the end of the terrace, it is considered that the proposed development fails to protect and enhance the character of the seafront area and would seriously detract from the visual amenities of the area and the architectural integrity of the protected structure, and would therefore be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

11 April 2022