



An
Bord
Pleanála

Inspector's Report

ABP-312086-21

Development	Protected Structure: Demolition of existing outbuildings and extensions and construction of two-storey extension to rear.
Location	Westbury, 2 Willow Bank, Monkstown, Co. Dublin, A96 X9R5
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0815
Applicants	Barry & Linda Condron
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Barry & Linda Condron
Observers	1. Roisin Magee, Patricia Gaffney and Stephen Judge 2. Michael and Brigid Laffan

Date of Site Inspection

6th May 2022

Inspector

Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site at Westbury, 2 Willow Bank, is a mature residential area proximate to the Dun Laoghaire Town Centre. It features a mix of two and three storey semi-detached and terraced dwellings in a variety of architectural styles interspersed with later 3-4 storey infill apartment developments. Many of the dwellings in the surrounding area have been previously extended and there is a great variety of different types of extensions and external finishes.
- 1.2. The subject site comprises a 0.22Ha regular shaped parcel of land on the northern side of Willow Bank, a cul de sac serving 4 no. dwellings. The subject site currently features a 407sqm three-bay two-storey over basement period dwelling which is a Protected Structure (RPS No. 768) and falls within an Architectural Conservation Area (the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area ACA). This dwelling forms a pair with Lissoy, 1 Willow Bank to the immediate west (also a Protected Structure). The main door of the house is accessed to the front via external granite steps that rise to the upper ground level, to a slightly set-back east side bay. The subject property has previously been extended to the rear by way of a single storey bootroom, storage areas and outbuildings. The dwelling is surrounded by a substantial landscaped garden, c. 11.6 metres deep to the front boundary, c. 21 metres to the side (eastern) boundary and c. 44 metres to the rear (northern) boundary. There is a level difference across the site (dropping from south to north) of c. 2.8 metres. Vehicular access to the site is provided via a shared private accessway flanking the site's eastern and northern boundaries which provides access to the subject site and two neighbouring properties.
- 1.3. To the east of the subject site, on the opposite side of the shared private accessway, is No. 3 Willow Bank, which comprises a double storey over basement period dwelling forming a pair with No. 4 Willow Bank (also Protected Structures). No. 3 Willow Bank has had a later 3-storey extension introduced to the side. These dwellings, along with the subject dwelling and Lissoy form a group of four period dwellings. To the north-east of the subject site, on the opposite side of the shared private accessway, is No. 54 Smyths Villas which comprises a double storey end of terrace dwelling with later rear single storey extension. To the north of the subject site, on the opposite side of the shared private accessway, is the campus and relatively large buildings of Dun

Laoghaire Institute of Further Education. To the south of the subject site, on the opposite side of Willow Bank is Vesci Park.

2.0 Proposed Development

2.1. Permission is sought for demolition of existing outbuildings and extensions (totalling 29sqm) to the rear of the existing dwelling; construction of a new 81sqm two-storey contemporary extension to the rear; and associated works, including alterations to room layouts, changes to two existing window openings to form doors and refurbishment works. At lower ground floor level, the proposed extension will feature a bike store/plant room and undercroft parking area and at upper ground floor level, a kitchen/living/dining room and raised terraces to the back, featuring a stairs from upper-ground floor level to the rear garden. The proposed extension will feature a low angled zinc hipped roof and the walls will be curved and finished in bricks and white pigment concrete.

3.0 Planning Authority Decision

3.1. Decision

On 4th November 2021, the Planning Authority refused permission for the following 2 reasons:

1. *The proposed development would be seriously detrimental to the setting and character of the Protected Structure at 'Westbury', No. 2 Willow Bank, and the 'De Vesci Terrace and Gardens (including Willowbank)' Candidate Architectural Conservation Area (cACA), including the adjacent three similar properties of Willow Bank, by reason of its design and negative impact on the external expression of the building. The proposed development would be contrary to Policy AR1 Record of Protected Structures, Policy AR17 Development within a cACA, and Section 8.2.11.2 (i) Architectural Heritage – Works to a Protected Structure, of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the proposed development would be injurious to the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The proposed terrace to the rear of the extension, by reason of location at upper ground floor level and distance to adjacent boundary to the west (shared with No. 1 Lissoy) would result in undue overlooking onto the property to the west, and would therefore seriously injure the residential amenity and depreciate the value of property in the vicinity. The proposed development would fail to accord with the provisions of Section 8.2.3.4 (i) Extensions to Dwellings of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Planning Authority concurs with the Conservation Officer's Assessment of the proposed development, as set out in the Conservation Officer's Report. In particular, the following commentary: - '*...we acknowledge that the design has been changed so that it no longer mimic that of the original dwelling, however the elongated elevation and 'pod-like' design does not sit comfortably and is visually jarring...*'
- The overall design and position of the proposed development would be visually jarring in this context, and the proposed development would adversely impact on the visual amenities of the area. It is recommended that the proposed development should be refused planning permission on the grounds that the proposed development would not comply with Policy AR1, Policy AR17 and Section 8.2.11.2(i) of the Development Plan and would be injurious to the visual amenities of the area.
- It is noted that the scale and bulk of the proposed extension has been significantly reduced from the previous proposal under Reg. Ref. D21A/0296.
- There is one side elevation window proposed to the western elevation at upper ground floor. However, it is noted that this will be high level (1.8 metres above finished floor level). As such, the Planning Authority is satisfied that no overlooking will occur from this window.

- With regard to the proposed terrace, the separation distance between the proposed terrace at upper ground level and the western boundary is 11 metres. Having regard to the location of the proposed terrace at upper ground floor and the separation distance to the west side boundary, it is considered that there would be undue overlooking onto the property to the west as a result of the proposed terrace. As such, the proposed development would be contrary to Section 8.2.3.4(i) Extensions to Dwellings of the Development Plan in terms of overlooking.
- Given the design and prominent location of the proposed extension, particularly as viewed from the front elevation, it is considered that the extension would be visually jarring in this context, as set out previously under Built Heritage. The proposed development would have a negative impact on the setting of this grouping of protected structures, and would adversely impact on the visual amenities of the streetscape.
- With regards to the concerns raised regarding the lack of information regarding materials/finishes in the submissions/observations, it is noted that information on the same features in the elevations and cover letter. In the event that a grant of permission for the proposed development were to be considered, the matter of the appropriateness of the external finishes in this context may be further explored by way of Further Information, to ascertain more fully whether the materials and finishes will complement the existing building.

3.2.2. ***Other Technical Reports***

Drainage Planning (26/10/2021): No objection, subject to conditions.

Conservation Officer (3/11/2021): Recommended that permission be refused as the proposed development fails to comply with Policy AR1, AR17 and Section 8.2.11.2, (i) of the County Development Plan 2016-2022.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

2 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Residents of house either side not opposed to principle of improvements and extension but the design approach taken will result in a visually disruptive element which would injure the architectural coherence of the grouping of Protected Structures at Willow Bank.
- Modifications to the design, by way of locating the extension at a lower level, and a review of materiality/colour would assist in mitigating the above concerns.
- The subject proposal endeavours to address the previous refusal reasons under Reg. Ref. D21A/0296, however, it has not been completely addressed the initial issues.
- The current proposal, by way of its overtly non-contextual design, will not preserve/enhance the established character of the buildings/streetscape and will not compliment or be subsidiary to the main structure.
- The proposed development will have a negative impact on the both the Protected Structure and the ACA as the proposed extension is visually dominant and the elevated location of the extension exacerbates its visual dominance. Further to this, the proposed materiality is unsuitable.
- The revised design proposal is at odds with established architectural heritage conservation policies and with the related control regulations applying to the listed and protected dwellings located on Willow Bank.

4.0 Planning History

4.1. Subject Site

4.1.1. The following previous application pertaining to the subject site are of relevance:

PA Reg. Ref. D21A/0296

This application related to works including demolition of existing outbuildings and extensions; construction of a part three-storey, part two-storey extension to the rear with raised terraces; and associated works, including internal alterations to form new openings and refurbishment works.

Permission was refused by Dun Laoghaire Rathdown County Council in June 2021, for the following reason:

- 1. It is considered that the proposed development would be seriously detrimental to the setting and character of the Protected Structure No. 2 Willow Bank, and the 'De Vesci and Gardens (including Willowbank)' cACA, including the adjacent three similar properties of Willow Bank, by reason of its large size, and inappropriate design, and negative impact in terms of its combined scale, height, massing and layout. It is considered that the proposed development would be contrary to Policy AR1 Record of Protected Structures, Policy AR17 Development within a cACA, and Section 8.2.11.2 (i) Architectural Heritage – Works to a Protected Structures, of the Dun Laoghaire Rathdown County Development Plan 2016-2022.*

4.2. Adjacent Sites

4.2.1. There have been 3 recent applications on sites adjacent to the subject site that are pertinent to the current proposal. These are summarised below.

3 Willow Bank, Dun Laoghaire, Co. Dublin (east of the subject site)

PA Reg. Ref. D05A/1591

Permission granted on 10th February 2006 for demolition of a two storey residential building to the rear of the protected structure and a converted shed to the rear and alterations to the vehicular entry at the front boundary. Pursuant to Condition No. 4, the proposed alterations to and relocation of the vehicular entry at front boundary be omitted.

Dun Laoghaire Further Education Institute, Cumberland Street, Dun Laoghaire, Co. Dublin (north of the subject site)

PA Reg. Ref. D20A/0896

Permission granted on 29th January 2021 for removal of a single storey prefab building and construction of a 2-storey prefab classroom building, a single storey prefab cyclists' changing room and a bicycle shelter.

54 Smyths Villas, Dun Laoghaire, Co. Dublin (north-east of the subject site)

PA Reg. Ref. D21A/0592

Retention permission granted on 18th August 2021 for existing window installed on the side of, and rear of, original dwelling, existing detached home office/domestic store, and existing parking area to front of dwelling, including all ancillary site works.

5.0 **Policy Context**

5.1. **Dún Laoghaire Rathdown County Development Plan 2016-2022**

The subject application was originally assessed having regard to the Dún Laoghaire Rathdown County Development Plan 2016-2022. This has subsequently expired.

5.2. **Dún Laoghaire Rathdown County Development Plan 2022-2028**

In the intervening period since the subject application was determined, the Dún Laoghaire Rathdown County Development Plan 2022-2028 has been adopted by the elected members and came into effect on the 21st April 2022, save for a no. of sections which have been deleted pursuant to a Ministerial Direction issued in accordance with Section 31(4) of the Planning and Development Act, 2000 (as amended). The applicable sections are: - Section 12.3.8.8 O/O Zone and associated text/symbols appearing on development plan maps; the policy section on 'Notable Character Area Exclusions' under Section 4.3.1; and the first paragraph of Section 12.3.3 Quantitative Standards for All Residential Development.

5.2.1. **Land Use Zoning**

The site is zoned Objective 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective to '*provide residential development and improve residential amenity while protecting the existing residential amenities.*'

5.2.2. **Other Relevant Sections/Policies**

The house featuring on site is a Protected Structure (RPS. No. 768) and the subject site falls within the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area. Further to this, the three other houses featuring on Willow Bank, to the east and west of the subject site, are also Protected Structures and fall within the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area.

The following policies are considered relevant to the consideration of the subject proposal:

11.4.1.2 Policy Objective HER8: Work to Protected Structures

'It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.*
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*

- viii. *Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. *Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- x. *Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).'*

Section 11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

'It is a Policy Objective to:

- i. *Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*
- ii. *Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. *Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. *Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. *Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. *Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.'*

Section 11.4.2.2 Policy Objective HER14: Demolition within an ACA

'It is a Policy Objective to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.'

Section 12.3.7.1 Extensions to Dwellings (ii) Extensions to the Rear

'Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.'

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.'*

Section 12.8.3.3 Private Open Space (i) Private Open Space for Houses

All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building. The minimum requirements are as follows: - 1-2 bedroom 48sq.m.; 3 bedroom 60sq.m.; and 4 bedroom (or more) 75sq.m. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc.

Section 12.11.2.1 Works to a Protected Structure

'In assessing works (inclusive of extensions/alterations/change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that:

- *Alterations and interventions to Protected Structures shall be executed to the highest conservation standards and shall not detract from their significance or value. Interventions should be kept to a minimum and all new work should relate*

sensitively to the fabric, scale, proportions, and design of the Protected Structure. Works should follow a cautious approach of changing as much as necessary but as little as possible.

- *Original features of architectural and historic interest will be retained. Lost features where evidence exists should be reinstated.*
- *The legibility of the original plan form should be retained and not compromised by any unsympathetic works. Where the original plan form has been lost or heavily modified, it should be reinstated, where possible.*
- *New work should be readily identifiable as such, and must respect, and have minimal impact on the architectural character and interest of the Protected Structure.*
- *New additions/extensions should respect the significance of the building/structure, through consideration of its siting, bulk, form, scale, character, colour, textures and material. Imitation/replications should generally be avoided.*
- *Works should consider the evolution of the structure and later phases of work, which may also contribute to its special character. Evidence of additions, alterations, and earlier treatments to the fabric of the Protected Structure are traces of its history and use(s), which may be part of the building's historical significance.*
- *Works to the interior shall be sensitive to the original fabric including the hierarchy of spaces, materials and fixtures and fittings. Where bathrooms, en-suites and kitchens are proposed to be introduced/relocated within the Protected Structure, they should avoid principal rooms and not impact on the spatial character and volume of the room. All works should be carried out to the highest possible standard, under supervision of a qualified professional with specialised conservation expertise. On-site operatives/ contractors should have experience dealing with historic buildings.*
- *Appropriately scaled extensions should complement, and be subsidiary to, the main structure be positioned generally to the rear elevation or less prominent elevation. Full width extensions will not normally be permitted, particularly where the composition and form of the elevation is negatively impacted upon.*

- *Good conservation practice recommends that extensions should be legible i.e. clearly distinguishable from the original so as not to confuse the historical record, be to a high standard of design, and using material that both respect and are complementary to the existing building.*
- *Demolition, partial demolition, or significant removal of structural fabric of rear returns is not generally acceptable. Where a rear return forms part of a unified terrace and/or contributes to its architectural character, any 301 Chapter 12 Development Management works that will disrupt or distort the uniformity should be avoided.*
- *The use of traditional and compatible materials will be used for any repairs to ensure the historic fabric is not negatively impacted by any proposed works. ’*

Section 12.11.4 New Development within an ACA

‘A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale.

All planning applications for development within an ACA shall have regard to the following criteria:

- *All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should be to a high standard of design and should have a positive contribution to the character of the ACA.*
- *Demolition of structures that contribute to the streetscape character will not normally be permitted. Where demolition is proposed a key consideration is the quality of any replacement structure and whether it enhances/contributes to the ACA.*
- *Where proposals include modifications and/or alterations, extensions, or roof alterations affecting structures within an ACA, these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development, which would*

be detrimental to the character of either the structure, or its setting and context, within the ACA.

- *When considering development of a site within an ACA (including backland sites), proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.*
- *Where development proposals seek to amalgamate one or more sites, the scheme will be required to demonstrate sensitive planning and design treatment. The onus will be on the applicant to demonstrate that the special character of the ACA will not be adversely affected.*
- *The Council will seek to encourage the retention of original features where appropriate, including windows, doors, renders, roof coverings, and other significant features of buildings and structures or otherwise whilst simultaneously encouraging a continued diversity of sensitively scaled contemporary and energy efficient designs.'*

5.3. Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area Character Appraisal and Recommendations, included in the Supplementary Booklet to Appendix 4 of the Dún Laoghaire Rathdown County Development Plan 2022-2028

- 5.3.1. The site is located in the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area. More specifically, the subject site is within Willow Bank which comprises of two pairs of semi-detached houses, set out on large plots of land previously occupied by a gravel pit, overlooking the lower section of Vesey Place Pleasure Grounds which were built between 1860-1864. The houses reflect some of the changes that occurred within residential design in mid-nineteenth century suburban Dublin, in the semi-detached format and overhanging eaves - replacing the terraces and parapets of the late Georgian era. Also representative of these changes is the change from full basement to half basement with raised ground floor level. The fenestration retains the essential characteristics of the previous era, consisting of sash windows, generally with six-over-six or four-over-four glazing patterns.
- 5.3.2. The Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area is deemed to be of architectural, cultural and historic interest. In the context of

architectural interest, the Willow Bank houses are good examples of a later type of classical terrace, with stucco finish and Greek Revival details.

5.4. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.4.1. The house featuring on site is a Protected Structure (RPS. No. 768) and the subject site falls within the Vesey Place, De Vesce Terrace, and Willow Bank Architectural Conservation Area. Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

5.4.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures or within an Architectural Conservation Area. Section 3.10 of the Guidelines relates to proposals within an Architectural Conservation Area and Section 13.5 of the Guidelines relate to Development within the Curtilage of a Protected Structure. In the context of proposals within an Architectural Conservation Area, demolition of a structure that contributes to the character of an ACA is discouraged and the visual impact of new development on its setting should be minimised. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area is encouraged. In the context of proposals within the curtilage of a Protected Structure, care should be taken to ensure proposals do not have an adverse effect on the special interest of the protected structure.

5.5. Natural Heritage Designations

5.5.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA/South Dublin Bay SAC, located c. 0.5km north-west.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against the decision of the Planning Authority has been lodged by Lyons Kelly Architects on behalf of the applicants. A letter of opinion, prepared by Caroline Whately Grade 1 Conservation Architect, and Aerial and Verified Views, prepared by 3D Design Bureau, in support of the proposed development accompany the appeal for the Board's consideration. The appeal is also accompanied by a revised Proposed Plans and Elevations Drawing (Drawing No. PA-005, prepared by Lyons Kelly Architects) in response to the Planning Authority's reasons for refusal of planning permission. This revised drawing included the following amendment: - a revised external stairs connecting the upper-ground floor level terrace to the rear garden incorporating a timber trellis screen featuring screen planting.

In summary, the grounds of appeal can be summarised as follows:

- The existing kitchen in the house is wholly inadequate for a family home and there is currently no access to the rear garden from the primary living accommodation. The extension and garden access will add greatly to the amenity of the house and will keep it in viable use in accordance with good conservation principles.
- The proposed extension is modest in scale adding only 15% additional floor space.
- The proposal addresses all of the reasons for refusal of a previous application for permission. The subject proposal has been scaled back significantly from 236sqm to 84sqm.
- The proposed extension is contemporary in design/of its time architecturally and the extension is located entirely behind the rear building line of the house and will have minimal impact on the fabric of the Protected Structure. Further to this, the extension will have no impact on the primary elevations of the house and will not affect the character or setting of the Protected Structure.

- The extension will not be visible within the Candidate Architectural Conservation Area apart from partial views directly in front of the house on Willow Bank. Verified photomontages have been produced to demonstrate this.
- The proposed extension complies fully with all of the standards for extensions to Protected Structures and buildings within Architectural Conservation Areas as set out in the Development Plan and Architectural Heritage Guidelines.
- The raised terrace to the rear complies with general standards for separation from boundaries and will not result in any greater overlooking of neighbouring properties. Alternative plans have been proposed for the rear terrace including additional physical screening/planting.
- In the context of refusal reason 1: - The extension is to be sited entirely behind the rear building line of the house, setback 12.5 metres from the front façade and 24.5 metres from the front boundary. It should also be noted that the extension appears single storey from the street and the elevated nature of the extension is only evident from the rear. With regards to the Conservation Officer's reference to a '*pod-like design*', the applicant contends that the rounded corners will add positively to the design and architectural expression of the building and will not negatively impact upon the appearance of the structure.
- With regards to the potential impact on the candidate Architectural Conservation Areas, the applicants note that the area is only a candidate ACA and as such, no character appraisal or policy framework is available to guide design or assess impact. As illustrated in the aerials/photomontages accompanying the appeal, there will be minimal views of the proposed extension within the streetscape.
- In the context of refusal reason 2: - the proposed terrace is elevated c. 3.3 metres above the rear garden and separated 11 metres from the common boundary with Lissoy to the west. This separation distance is consistent with the various policies set out in the Development Plan. It is also noted that there is a conservatory to the upper ground floor of Lissoy that overlooks the rear garden of Westbury as it is above ground and about 5.6 metres from the common boundary. This could be viewed as a precedent for the subject

extension. If the Board is still not satisfied that the amenities of the adjoining property have been protected, then a condition could be imposed requiring screening. The following options could provide sufficient screening: - semi-mature planting along the western boundary; a permanent screen along the western side of the terrace; or a combination of screening/planting.

6.2. Planning Authority Response

The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

2 observations have been submitted within the prescribed time which can be summarised as follows:

- In building an argument in favour of the proposed development, the applicants have used selective extracts from applicable policy and guidance documents and in doing so, have distorted the full meaning of the policy.
- There are multiple alternative ways to provide the necessary 'modern' living standards which would not be seriously detrimental to the setting and character of the Protected Structure.
- The design approach adopted would result in a visually disruptive element which would seriously injure the architectural coherence of the grouping of protected structures at Willow Bank.
- The proposed alterations will create a new and unique building design, breaking forever the harmony of the existing streetscape and standing out in sharp contrast with the other houses in this cul de sac.

6.4. Further Responses

None.

7.0 Assessment

As part of the grounds of appeal, the appellant submitted additional information and a revised drawing in response to the Planning Authority's reasons for refusal of planning permission. This additional information/revised drawing included the following:

- A letter of opinion, prepared by Caroline Whately Grade 1 Conservation Architect;
- Aerial and Verified Views, prepared by 3D Design Bureau; and
- Drawing No. PA-005, prepared by Lyons Kelly Architects.

The revised drawing submitted include the following amendment: - a revised external stairs connecting the upper-ground floor level terrace to the rear garden incorporating a timber trellis screen featuring screen planting. It is noted that the revised drawing submitted with the appeal introduces no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, this assessment is based on the plans and information received by Dun Laoghaire Rathdown County Council on 10th September 2021 as amended by further plans and particulars received by the Board on 30th November 2021.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key matters for consideration are:

- Principle of Development.
- Impact on Built Heritage.
- Residential Amenity.
- Other Matters.
- Appropriate Assessment.

7.1. Principle of Development

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the Protected Structure and Architectural

Conservation Area/visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below/overleaf.

7.2. Impact on Built Heritage

- 7.2.1. As previously outlined, the house featuring on site is a Protected Structure (RPS. No. 768) and the subject site falls within the Vesey Place, De Vesce Terrace, and Willow Bank Architectural Conservation Area. In its decision to refuse permission, the Planning Authority (in their first refusal reason) has referenced Policy AR1 Record of Protected Structures, Policy AR17 Development within a cACA, and Section 8.2.11.2 (i) Architectural Heritage – Works to a Protected Structure of the Dun Laoghaire Rathdown County Development Plan 2016-2022. They concluded that the proposed development would be seriously detrimental to the setting and character of the subject Protected Structure and the ‘De Vesce Terrace and Gardens (including Willowbank)’ Candidate Architectural Conservation Area (cACA), including the adjacent three similar properties of Willow Bank, by reason of its design and negative impact on the external expression of the building. The observers also contend that the proposed extension would result in a visually disruptive element which would seriously injure the architectural coherence of the grouping of protected structures at Willow Bank and negatively impact upon the harmony of the existing streetscape.
- 7.2.2. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the similar policies pertaining to works to a Protected Structure and development within a candidate Architectural Conservation Area/Architectural Conservation feature in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, at Policies HER8, HER13 and HER18 and Sections 12.11.2.1 and 12.11.4. More specifically, Policy HER8 seeks to protect protected structures from any works that would negatively impact their special character/appearance and Policy HER13 and HER18 seek to ensure that all development proposals within an Architectural Conservation Area and candidate Architectural Conservation Areas are appropriate to the character/special interest of the area, respectively. Sections 12.11.2.1 and 12.11.4 provide guidance regarding works to a Protected Structure and new development

within an Architectural Conservation Area, respectively. Further to this, the Candidate Architectural Conservation Area previously applying to the subject site/surrounding area has been formally adopted as an Architectural Conservation Area (the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area) in the recently adopted Development Plan. Therefore, the appropriateness of the proposed extension to the existing dwelling in the context of the Protected Structure and Architectural Conservation Area still requires consideration in relation to the subject application.

7.2.3. In considering the impact of the proposed development on the Protected Structure and Architectural Conservation Area, I will have regard to the Conservation Report submitted with the application, the letter of opinion submitted with the appeal, the Planning Authority's Planners Report, the commentary of the Council's Conservation Officer and the Architectural Heritage Guidelines, 2011, as well as the relevant Development Plan Policies.

7.2.4. The Planning Authority, in their Planners Report, deemed the proposed extension to be visually jarring given its design and prominent location, particularly as viewed from the front elevation, and concluded that the proposal would have a negative impact on the setting of this group of Protected Structures and the visual amenities of the streetscape. This echoed the commentary of the Conservation Officer which expressed the view that elongated elevation and 'pod-like' design does not sit comfortably/is visually jarring and that due to the siting and location of the proposed extension, it will have a significant visual impact on the external expression of the building and will impact on the formal arrangement and symmetry of the elevation, rendering the building incongruous with the other three dwellings that make up Willow Bank.

7.2.5. The proposed 2-storey extension is located to the rear of the existing dwelling and projects 10.7 metres back from the existing dwelling's rear (northern) façade and 8.6 metres eastwards in to the side garden. It would have a maximum height of 7.175 metres, is setback a minimum of 11.435 metres from the existing dwelling's front (southern) façade and is contemporary in design, due to its curved/elevated nature and low angled hipped roof, as well as the pallet of materials used (zinc, brick and

white pigment concrete). The proposed extension adopts a setback of 24.355 metres from the southern (front), c. 34 metres from the northern (rear), 12.785 metres from the eastern (side) and 7.45 metres from the western (side) boundaries.

- 7.2.6. The mass and scale of the proposed extension is broken down through the adoption of generous setbacks, from the dwelling's front elevation and the site boundaries. The setbacks adopted, as well as the elevated/contemporary design, ensure that the proposed extension is recessive and clearly a later addition to the existing dwelling/row of dwellings it forms part of. There will be limited views of the proposed extension from the streetscape/neighbouring properties due to the topography of the subject site, the site dropping from south to north by c. 2.8 metres, and the presence of solid boundary treatments and large mature trees, hedgerows and other planting along all boundaries. The limited visibility of the proposed extension is clearly illustrated in the aerial and verified views, prepared by 3D Design Bureau, which accompany the first party appeal. Having regard to its height/design, its siting and the site context, it is not considered that the proposed extension will overwhelm the existing dwelling/neighbouring dwellings (all of which are Protected Structures) or the Architectural Conservation Area more broadly.
- 7.2.7. Turning our attention to the proposed demolition and alterations to the existing dwelling required to facilitate the extension. It is proposed to demolish existing outbuildings and extensions (totalling 29sqm), more specifically the bootroom, boiler room and a series of sheds/storage areas, featuring on lower ground floor level to the rear of the existing dwelling. This removal is considered appropriate given the non-original nature of these structures and their positioning to the rear of the Protected Structure. According to the Conservation Report and the submitted drawings the works to the existing dwelling to facilitate the proposed extension will be limited to: - blocking up the existing door serving the lower ground floor level bootroom; replacement of the window to the lower ground floor level gym with an external door; replacement of the window to the stairwell with an external door at lower ground floor level; at upper ground floor level creation of an opening in the rear wall of the current kitchen to facilitate access to the new extension; installation of a small wc in the current kitchen; at first floor level subdivision of the current main bedroom to create a dressing area; and reconfiguration of current dressing room, alcove lobby and Bedroom 2 to facilitate the installation of an ensuite and a hot press. I am satisfied that these direct

interventions to the original fabric of the protected structure are minor in nature, in most instances will be indiscernible from the dwelling's exterior and will not significantly impact upon the character of the protected structure. These aspects of the proposed development would not detrimentally impact on the built heritage of the area including the character or setting of Protected Structure featuring on the subject site, Protected Structures featuring on adjacent sites or the Architectural Conservation Area the subject site sits within.

- 7.2.8. In conclusion, having regard to the foregoing, the proposed development respects the scale, design/materiality and architectural form of the existing dwelling on site and respects the set of four semi-detached period properties it forms part of as well as the surrounding architectural conservation area more broadly. Therefore, I have no objections to the proposed development in terms of potential impacts on built heritage. I consider the proposed development would be consistent with Policies HER8 and HER13 and Sections 12.11.2.1 and 12.11.4 of the Development Plan as the attractive and distinctive features of the Protected Structure(s) on the subject site/adjacent sites and the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area would not be negatively affected.

7.3. Residential Amenity

Property to the west

- 7.3.1. The subject dwelling forms a pair with Lissoy, 1 Willow Bank, to the immediate west. Lissoy comprises a three-bay two-storey over basement period dwelling. The Planning Authority, in deciding to refuse permission, had regard to the proposed developments supposed injury to the residential amenity of the property to the west. More specifically, they considered that the proposed terrace to the rear of the extension, by reason of location at upper ground floor level and distance to adjacent boundary to the west (shared with No. 1 Lissoy) would result in undue overlooking onto the property to the west.
- 7.3.2. Prior to assessing potential overlooking, overshadowing and overbearing impacts, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property at Lissoy, 1 Willow Bank. As previously discussed, the subject property and Lissoy form a pair of 3 storey semi-detached dwellings. Both properties have been extended to the rear, the subject site at lower ground floor level and Lissoy

at lower and upper ground floor levels, the upper ground floor level featuring a conservatory. The common boundary between the 2 no. properties, proximate to the proposed extension, currently features a masonry wall.

Overlooking

- 7.3.3. There are two potential sources of overlooking from the proposed development: - the window associated with the proposed kitchen/dining/living room and the upper ground floor terrace/associated stairs.
- 7.3.4. In the context of the west-facing window serving the kitchen/dining/living room at upper ground floor level. Potential overlooking from this window is appropriately restricted as a result of the separation distance (7.695 metres) adopted from the common boundary and its clerestory nature, with a minimum sill height of 1.8 metres adopted.
- 7.3.5. The Planning Authority are concerned that the upper ground floor terrace/associated stairs being provided to the rear of the proposed extension would create an unreasonable level of overlooking of the adjacent private amenity space to the west. Having reviewed the plans submitted with the application, I would share the concerns of the Planning Authority regarding potential overlooking from the external terrace/associated stairs as originally proposed. As discussed earlier in this section of the report, the applicants in their appeal have submitted a revised drawing including amendments to the external stairs connecting the upper-ground floor level terrace to the rear garden. More specifically, a timber trellis screen, featuring screen planting, to a height of 1.8 metres above the finished floor level has been introduced along the stairs' western edge.
- 7.3.6. Upon review of these plans, I am satisfied that potential overlooking of the adjacent private amenity space to the west has been addressed by way of screening/reconfiguration of the external stairs. Therefore, it is recommended that if the Board sees fit to grant permission that the applicant be required to construct the proposed extension in accordance with the plans submitted with the applicant's first party appeal submission, to protect the residential amenity of adjacent residences. I do not consider the railing featuring along the terraces northern edge would result in any significant or undue overlooking of Lissoy's private amenity space as only oblique

views are provided due to its offset from the common boundary, its northerly outlook and the boundary wall currently featuring along the common boundary which restricts views of this amenity space.

Overbearing/Overshadowing

- 7.3.7. With regards to overbearing/overshadowing, given the overall scale, siting and proximity of the proposed extension relative to this neighbouring dwelling and having considered the existing site context, it is my opinion that the proposal is neither out of scale nor excessive and will not result in unreasonable overbearing or overshadowing impacts on Lissoy's rear amenity space. The proposed extension has been positioned to the north-east of the existing dwelling, offset a minimum of c. 8 metres from the common boundary, and its projection into the existing rear garden adopts a similar rear building line as that associated with Lissoy's upper ground floor conservatory. Further to this, the roof form utilised has a low pitch which reduces its visibility.

Property to the East

- 7.3.8. The subject site's eastern boundary is flanked by a shared private accessway, accessible off Willow Bank. To the east, on the opposite side of this shared private accessway, is No. 3 Willow Bank, which comprises a double storey over basement period dwelling forming a pair with No. 4 Willow Bank. No. 3 Willow Bank has had a later 3-storey extension introduced to the side.

I do not consider the proposed development will result in significant or undue overlooking, overshadowing or overbearing impacts on No. 3 Willow Bank due to the existing boundary treatment/established planting featuring along the subject site's eastern boundary (as well as the vegetation that features along the western boundary in the context of No. 3 Willow Bank), the level difference that exists between No. 3 Willow Bank and the location of the proposed extension and the c. 17 metre separation distance provided between the proposed extension and No. 3 Willow Bank's western boundary.

Properties to the North/North-east

- 7.3.9. The subject site's northern and eastern boundaries are flanked by a shared private accessway, accessible off Willow Bank. To the north, on the opposite side of this

shared private accessway, is the campus and relatively large buildings of Dun Laoghaire Institute of Further Education. To the north-east, on the opposite side of this shared private accessway, is No. 54 Smyths Villas (a 2-storey end of terrace dwelling with single storey extension). I do not consider the proposed development will result in significant or undue overlooking, overshadowing or overbearing impacts on this property due to the existing boundary wall/established planting featuring along the subject site's eastern boundary and the c. 20 metre separation distance provided between the proposed extension and No. 54 Smyths Villas' western boundary.

Subject Dwelling

- 7.3.10. The dwelling resulting from the proposed extension and internal modifications will have a total floor area of c. 460sqm across the 3 floors. Having reviewed the proposed floor plans, I am satisfied that the resulting house is suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.
- 7.3.11. Section 12.8.3.3 of the Development Plan requires that 4 bedroom (or more) dwellings are served by a minimum of 75sq.m. of private open space. The site layout plan indicates that the existing large rear garden (c. 1,080sqm) would be retained to serve the subject dwelling and this would be supplemented by an existing side garden and a courtyard and external terrace being created as a result of the proposed development. I consider the retained rear and side gardens/proposed external terrace/courtyard would be more than adequate to serve the needs of the residents of the dwelling, should permission be granted. Further to this, the large car parking area serving the dwelling at the rear/side of the site, will provide ample parking for a dwelling of this size.

7.4. Other Matters

- 7.4.1. *Development Contributions* – I refer to the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020. The first 40sqm metres of the proposed extension comprises a category of exemption/reduction listed in the development contribution scheme. Therefore, the proposal also involves works liable for a reduced rate of development contributions. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached

requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

9.0 Reasons and Considerations

Having regard to the design, siting, massing and scale of the proposed development and the site context it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area, would not be detrimental to the integrity, character and setting of the protected structure or other protected structures in the immediate vicinity and would not adversely impact on the character of the Vesey Place, De Vesci Terrace, and Willow Bank Architectural Conservation Area. The proposed development is considered to be in accordance with the Objective 'A' zoning objective and Policies HER8 and HER13 and Sections 12.11.2.1 and 12.11.4 of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The proposed

development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 30th November 2021, 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>Prior to the commencement of development, details of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<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 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 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 to be removed for repair or reuse</p>

	<p>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 the works.</p> <p>Reason: To ensure that the integrity of the protected structure is maintained, the structures are protected from unnecessary damage or loss of fabric and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, particularly the Protected Structures and the Vesey Place, De Vesce Terrace, and Willow Bank Architectural Conservation Area.</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 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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</p>

	<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Margaret Commane
Planning Inspector

22nd June 2022