



An  
Bord  
Pleanála

## Inspector's Report ABP-313172-22

### Development

Proposed 2 no. dwellings, vehicular entrances and ancillary site development works and the demolition of 3 no. garden sheds. (This property is located within 'The Burnaby Architectural Conservation Area').

### Location

Site at 'Burleigh Lodge' , St. Vincent Road, The Burnaby Greystones.

### Planning Authority

Wicklow County Council.

### Planning Authority Reg. Ref.

211337.

### Applicant(s)

Listy Byrne.

### Type of Application

Outline Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third-Party.

### Appellant(s)

Conor Lucey.

### Observer(s)

None.

### Date of Site Inspection

18<sup>th</sup> day of November, 2022.

### Inspector

Patricia-Marie Young.

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a given site area of 0.283ha and comprises of the rear most garden area of 'Burleigh Lodge', Greystones, Co. Wicklow. The site has road frontage onto St. Vincent's Road with the site comprised of mainly mature soft landscaping including several mature trees and three outbuildings. This road at the time of inspection appears to be used for *ad hoc* on-street car parking.
- 1.2. The roadside boundary is situated c80m to the south of Whitshed Road and c49m to the north of Portland Road which Burleigh Lodge addresses. The site's setting contains a rich collection of buildings of architectural merit and forms part of 'The Burnaby Architectural Conservation Area' (ACA), which is a historical residential suburb both locally distinct and of national interest.
- 1.3. Within the ACA there is a mix of architectural styles with its period buildings characterised as siting on large garden plots with generous setbacks from the public domain, roadside boundaries including cast iron railings over stone plinths and mature hedges with the principal architectural style being the arts and crafts and domestic revival style.
- 1.4. The site forms part of the historic original site curtilage of Burleigh Lodge which is a substantial two storey detached dwelling in the Domestic Revival style. It is listed in the National Inventory of Architectural Heritage (NIAH) and is rated as being of 'Regional' importance (Note: NIAH Ref. No. 16304093).
- 1.5. Within the visual setting of Burleigh Lodge there are a number of architectural period properties that are also listed in the National Inventory of Architectural Heritage (NIAH) are also categorised as being of regional importance. This includes the adjoining property to the north which is known as 'Dunalee' (Note: NIAH Ref. No. 16304089) and the property opposite which is known as 'Milverton' (Note: NIAH Ref. No. 16304088).

## **2.0 Proposed Development**

- 2.1. Outline permission is sought for 2 no. 4 bedroom dwellings, vehicular entrances onto St. Vincent Road, the demolition of 3 no. garden sheds (Note: 88m<sup>2</sup>) together with all

associated site works. (This property is located within The Burnaby Architectural Conservation Area). This application is accompanied by the following documents:

- Cover Letter.
- Section 97 Exemption Certificate Application.
- Solicitors Letter.
- Arborist Report.
- Tree Protection Plan.

2.2. On the 23<sup>rd</sup> day of February, 2022, the applicant submitted their **further information response**. This revised the proposal so that the two dwellings for which outline permission is sought would be served by one entrance onto St. Vincent's Road. In addition, sightlines for the proposed single shared entrance onto St. Vincent's Road are provided as well as clarification on the Arboricultural documentation previously provided. The revisions were not deemed to be significant and therefore no new public notices were sought by the Planning Authority.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 4<sup>th</sup> day of March, 2022, the Planning Authority **granted** outline planning permission for the development set out in Section 2.1 above subject to three conditions including:

Condition No. 2: Section 48 contributions.

Condition No. 3(a): Restricts the finished floor level of Dwelling No. 1 to 44.75 and Dwelling No. 2 to 46.00 as detailed in the Site Layout Plan.

Condition No. 3(b): Landscaping and boundary treatments including the retention and reinforcement of existing tree and hedge planting and the blocking up of the existing entrance off St. Vincent Road.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report** is the basis of the Planning Authority's decision.

The **initial Planning Officer's report** concluded with a request for further information on the following:

Item No. 1: Revised proposal for a shared single access is therefore requested.

Item No. 2: Requires sightlines for the access sought under Item No. 1.

Item No. 3: Seeks clarification on Sections 5.3.1 and 5.3.2 of the Arboricultural Assessment.

#### 3.2.2. Other Technical Reports

**Municipal Engineer:** Their report notes that as the existing access serves an old garage and that this is to be made redundant that the applicant should remove the drop kerb at the roadside edge and continue the verge through to remove any semblance of the original entrance. It also indicates that the roadside dropped kerb for the proposed double separate entrance should be the width of a single entrance only.

### 3.3. Prescribed Bodies

3.3.1. **Irish Water:** Seeks clarification on connection to services.

#### 3.4. Third Party Observations

3.4.1. During the course of the Planning Authority's determination of this application they received two Third Party observations. The substantive concerns raised correlate with those raised by the Third Party in their appeal submission to the Board. In addition, concern is raised in relation to Arboricultural documentation provided. These submissions are attached to file.

## 4.0 Planning History

### 4.1. Site – Recent & Relevant Planning History

- **ABP-306351-20 (P.A. Ref. No. 191143):** On appeal to the Board planning permission was **refused** for a development consisting of the construction of 2 no. two-storey detached houses with entrances onto St. Vincent Road, ancillary works and the demolition of 3 no. garden sheds for the following stated reasons and considerations:

“1. *The site of the proposed development is located in The Burnaby Architectural Conservation Area, a historic residential suburb developed at the turn of the 19th and 20th centuries, and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2119 seek to protect, safeguard and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas.*

*Having regard to –*

- (i) the location of the site on Saint Vincent Road and the prevailing pattern of development in the area,*
- (ii) the size of the site, and*
- (iii) the pattern and form of development proposed, in particular the limited separation distances between the proposed units and between the units and site boundaries, the lack of circulation space afforded to the proposed units and the location of House A which breaks the building line on Saint Vincent Road,*

*it is considered that the proposed development would give rise to a cramped, haphazard and incongruous form of development on Saint Vincent Road, 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 degrade and detract from the character of The Burnaby Architectural Conservation Area.*

*The proposed development would, therefore be contrary to the provisions of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019, would set an inappropriate precedent for similar development within the Architectural*

*Conservation Area and would be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to Objective HER12 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019, where it is stated that “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”, it is considered that, by reason of design, form and scale, the proposed development would conflict with the objectives of the planning authority for the area, would seriously injure the visual amenity and character of The Burnaby Architectural Conservation Area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *Having regard to –*

- (i) the location of the proposed development within The Burnaby Architectural Heritage Area, an area known for its distinctive green sylvan character,*
- (ii) the site which incorporates a number of mature trees and shrubs and which incorporates part of the area subject to Tree Protection Objective T18 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019, and*
- (iv) the lack of an Arboricultural Impact Assessment (AIA),*

*it is considered that the applicant has failed to demonstrate to the satisfaction of the Board that the proposed development would not result in the loss of or damage to mature trees and it is therefore considered that the proposed development would be contrary to Tree Protection Objective T18 of the Local Area Plan which seeks to protect and retain trees which contribute to the biodiversity value and character and amenity of the area and would be contrary to the proper planning and sustainable development of the area.”*

Of note, the site area given for this application is 0.2514ha; the existing buildings gross floor area is given as 88m<sup>2</sup>, and the proposed gross floor area of works is given as 569m<sup>2</sup>.

Decision date: 04/06/2020.

#### 4.2. **Setting - Recent Board Planning History**

- **ABP Ref. No. PL27.245268 (P.A. Reg. Ref. 15/513) - Adjoining Property to the South known as 'Sunnyside'.**

On appeal to the Board planning permission was **refused** for the construction of a first-floor extension to the east of the site. Permission was refused on the basis that it would result in the loss of character of the original dwelling a single storey Edwardian villa and that it would adversely impact upon the pattern of development, the special character of St. Vincent Road and would adversely affect the Architectural Conservation Area.

Of note the Board previously refused permission for the demolition of this Edwardian style villa under ABP PL27.238792 (P.A. Ref. No. 10/3087). The first reason of refusal related to serious injury from the unduly dominant replacement dwelling and the second the lack of justification for the demolition of an original Burnaby estate house regard to the provisions of the Architectural Heritage Protection Guidelines.

- **ABP-310623-21 (P.A. Ref. No. 21370) – Neighbouring Property to the east and forming part of the original curtilage of Protected Structure 'Moorlands' which is situated within the same suburban block of the ACA but fronting onto Whitshed Road.**

On appeal to the Board planning permission was granted subject to conditions for the construction of a side and front single extension (c.84m<sup>2</sup>) housing 2 bedrooms and bathrooms, with ancillary space; the construction of a glazed hallway at ground floor level connecting the existing dwelling to the new extension within the walls of an existing courtyard; the refurbishment of existing dwelling including minor internal re-layout amendments and an infill to existing south western window at first floor level; all associated landscape, planting and groundworks. The Board in its reasons and consideration for permitting the proposed development considered that subject to compliance with conditions that the proposed development would not seriously injure



the integrity or special interest of the Protected Structure on site or undermine the quality of the ACA.

Decision date: 08/02/2022.

- **ABP-305898-19 (P.A. Ref. No. 19544) Neighbouring Property to the east and forming part of the original curtilage of ‘Whitshed Lodge’ which is situated within the same suburban block of the ACA but fronting onto Portland Road North.**

On appeal to the Board permission was refused for a development comprising of a detached 1.5 storey house together with reconfiguration of existing vehicular access arrangements to provide 2 driveways onto Whitshed Road and a pedestrian gate onto Portland Road North and ancillary site development works. Of note the reasons for refusal read:

*“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 proposal 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 proposal would, therefore, seriously injure the character of the area and would 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*

*proposal would, therefore, seriously injure the residential amenity of the area and would be contrary to the proper planning and sustainable development of the area.”*

Decision date: 18.03.2020.

- **ABP-314065-22 (P.A. Ref. No. 22428):** On appeal to the Board planning permission was **refused** for the erection of a bin store/shed in the front garden of the dwelling ‘Lyndhurst’, Saint Vincent Road. This period property is located in the suburban block to the south. Permission was refused based on adverse impact on the host dwelling and ACA.

Decision date: 18.11.2022.

- **ABP-307381-20 (P.A. Ref. No. 191374):** On appeal to the Board planning permission was **granted** subject to conditions for the demolition of shed, conservatory and extensions, construction of extension to side and rear and all associated site work at ‘Slievemore’, No. 2 Saint Vincent’s Road. This period property is located in the suburban block to the south east of the site.

## 5.0 Policy Context

### 5.1. Local

#### 5.1.1. Wicklow County Development Plan, 2022-2028:

The above stated Development Plan came into full effect on the 23<sup>rd</sup> of October, 2022.

Chapter 4 of the Development Plan sets out the Settlement Strategy for the County.

It sets out that Greystones/Delgany is a Level 3: Self Sustaining Growth Towns.

Chapter 8 of the Development Plan deals with the matter of Built Heritage.

Section 8.3.3 of the Development Plan deals specifically with Architectural Conservation Areas (ACAs) states that: “*ACAs contribute to the revitalisation of the fabric of towns, villages and rural areas by supporting their aesthetic value, giving them a distinctive identity, and thus make a positive contribution to local economies and tourist potential. The designation of an ACA does not prejudice innovative and contemporary design; on the contrary, in principle, design of a contemporary and*

*minimalist style will be facilitated within ACAs provided it does not detract from the character of the area”.*

*In relation to development within the ACA it also set out that: “applications for development within the Conservation Area should contain sufficient information to allow a detailed assessment by the Planning Authority, as to the likely impacts of the proposal on the ACA. The following is a brief outline of additional information which may be submitted with a planning application that aids the assessment of the application: - fully rendered, scaled, elevation drawings; photomontages relating the proposal to its setting and material samples such as colour charts, brick and roofing materials brochures. In general, developments within the ACA should comply with the guidelines as set out in the Architectural Heritage Protection Guidelines from the Department”.*

Table 8.1 of the Development Plan identifies the adopted ACAs within the County with that including ‘The Burnaby ACA’.

Section 8.5 of the Development Plan sets out the following objectives:

- **CPO 8.10:** To protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations.
- **CPO 8.12:** To have regard to ‘Architectural Heritage Protection: Guidelines for Planning Authorities’ (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.
- **CPO 8.21:** 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.
- **CPO 8.22:** 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 are applicable:

- 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.
- 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.

Appendix 1 of the Development Plan sets out the Development and Design Standards with Section 9 dealing with Built Heritage.

#### 5.1.2. Other

##### ***Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019.***

The purpose of this plan to establish a framework for the planned, co-ordinated, and sustainable development of Greystones-Delgany and Kilcoole. Under this plan the site is located in an area zoned as '*R10: Residential - 10/ha*' with the stated land use zoning objective: "*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*" and the site is located within the Burnaby Architectural Conservation Area.

Section 9.2 of the plan deals with the matter of built and natural heritage.

Objective HER12 of the plan seeks to preserve the character of Architectural Conservation Areas (ACA's) in accordance with Appendix B. Objectives that apply to ACA's include:

- Development will be controlled in order to protect, safeguard, and enhance the special character and environmental quality of ACA's.
- Buildings, space, archaeological sites, trees, views, and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- 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.

It also sets out that new building should be of their own time in appearance and should not replicate the style and detailing of heritage building. Further, 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.

Objective HER4 of the Plan seeks to protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B. With Appendix B: LAP Heritage Features including Tree Protection Objectives – Table B2.1: Protected Trees: T16, Greystones, St. Vincent Road.

## **5.2. Regional**

### **5.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better

manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. It recognises the role of Local Authorities through their Development Plans, the designation of Architectural Conservation Areas through to Protected Structure to enable places of architectural value to be protected. It sets out that: *“good heritage management should be incorporated into spatial planning to promote the benefits of heritage led urban regeneration”*. This is reiterated in RPO 9.25 which in part seeks the promotion of culture and heritage led urban regeneration. As well as recognises the importance of heritage in placemaking (Note table 3.1).

### 5.3. National Planning Context

#### 5.3.1. Project Ireland 2040 - National Planning Framework (NPF).

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

Chapter 6 of the NPF also includes specific objectives to do with homes and communities. It sets out 12 objectives including:

Objective 33: Seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location.

Objective 35: Seeks to increase densities in settlements.

- **Housing for All - A New Housing Plan for Ireland, 2021:** This plan aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability.
2. Pathway to eradicating homelessness, increasing social housing delivery, and supporting inclusion.
3. Pathway to increasing new housing supply.
4. Pathway to addressing vacancy and efficient use of existing stock.

- **Climate Action Plan, 2021.**

- **National Development Plan, 2021 to 2030.**

5.3.2. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide ‘Site Layout Planning for Sunlight and Daylight’, 2011.
- Design Manual for Urban Roads and Streets, 2019 .

#### 5.4. **Natural Heritage Designations**

5.4.1. There are no designated areas in the vicinity. The nearest European sites are:

- Bray Head SAC (Site Code: 000714) which is located c2km to the north of the site.
- Glen of the Downs SAC (Site Code: 000719) which is located c2.7km to the west of the site.
- The Murrough Wetlands SAC (Site Code: 000714) which is located c3.2km to the south of the site.

#### 5.5. **EIA Screening**

5.5.1. Having regard to the nature, scale and extent of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

## 5.6. Built Heritage

- 5.6.1. Of note the site forms part of this original curtilage of 'Burleigh Lodge', a NIAH site (NIAH Reg. No. 16304093), which is rated 'Regional' in importance and its categories of special interest are given as 'Architectural' and 'Artistic'. The NIAH gives the following description for Burleigh Lodge:

*"Detached multiple-bay two-story Domestic Revival style house, built c.1900. The building is roughly L-plan and has asymmetric elevations with various gabled and hipped roof projections. The façade is largely finished mock timber framing. The tiled part gable-ended part hipped roof has an overhang with plain bargeboards and exposed rafter ends, with rendered chimneystacks and some large gabled dormers. The entrance appears to be to the east elevation. The windows are flat-headed and have timber casement frames. The house is set at the end of a relatively long lane off a tree-lined suburban street but is surrounded by a large garden enclosed by a hedge".*

It also provides the following Appraisal:

*"This large residence would appear to be one of the most impressive dwellings in the Greystones area and, with extensive mock timber framing, expansive tiled roof and prominent gabled dormers, perhaps the best example of the Domestic Revival style in the town".*

- 5.6.2. Of further note the site is bound on its northern side by the curtilage of 'Dunalee House', a NIAH site (NIAH Reg. No. 16304089), which is rated 'Regional' in importance and its categories of special interest are given as 'Architectural' and 'Artistic'. The NIAH gives the following description for Dunalee House:

*"Detached three-bay two-storey Domestic Revival style house of c.1905, now seemingly derelict. The building is roughly L-plan, with a projecting full-height gabled bay to the south side of the asymmetrical front elevation. The lower half of the façade is finished in painted render with the upper half almost entirely clad in tiles. The tiled gabled-ended pitched roof has an overhang with plain bargeboards, a gabled dormer and rendered chimneystacks. The entrance consists of a large, mainly glazed, timber screen incorporating the panelled and glazed door. The windows are flat-headed and have timber casement frames. Cast-iron rainwater goods. The house is set at the side of a partly tree-lined suburban street, but is surrounded by a large garden enclosed by a hedge".*



It also provides the following Appraisal:

*“Fine, understated, Domestic Revival style residence complimented by its generous tree-fringed grounds. Though now in poor order, this remains one of the best examples of the genre in Greystones”.*

- 5.6.3. Of note, the site setting includes several NIAH sites with a more of these properties also designated as Protected Structure under the Development Plans RPS.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows:

- The site is situated within the Burnaby Architectural Conservation Area which is a historic residential suburb both locally distinct and of national interest. One of its distinctive features being the large plots with buildings setback from the edge of the plot.
- The site forms part of the curtilage of ‘Burleigh Lodge’, a Domestic Revival Style property, listed in the NIAH.
- The site functions as a garden space containing a notably number of trees.
- The property directly opposite it is also listed in the NIAH as being of regional importance and there are a number of other significant buildings that are listed in the NIAH in its setting.
- Reference is made to the planning history of the site.
- Reference is made to the planning context.
- An overview of the proposed development is given.
- An overview of the Planning Authority’s decision is given.
- An overview of the further information is given.
- Concerns are raised in relation to legibility of the site notices, in particular the use of the previous casing for the site notices for the previous application which made them not clearly visible or legible

- Concerns are raised with the adequacy of the proposed developments description.
- Concerns are raised in relation to contend inaccuracies in the drawings submitted.
- The free parking on St. Vincent Road is the nearest free parking to the town and is frequently used. The presence of cars parked on St. Vincent Road will impact sightlines from the proposed entrance serving the dwellings.
- The speed of traffic along St. Vincent Road is notoriously fast, despite it being a residential street. It is contended to be a rat run to by-pass the town centre.

## **6.2. Applicant Response**

6.2.1. The Applicants response can be summarised as follows:

- The character and form of the development is in keeping with the surrounding area.
- The sightlines were addressed as part of the further information response and the Planning Authority were satisfied that this matter had been appropriately addressed.
- Reference is made to the Planning Authority's Planning Officers observations on the public notices.
- The Planning Officer considered that the proposed development would be unlikely to give rise to significant negative impact upon the amenities of adjoining residential properties.

## **6.3. Planning Authority Response**

6.3.1. None.

## **7.0 Assessment**

### **7.1. Overview**

7.2. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. I propose to address these issues are addressed in my assessment below under the following headings:

- Planning History & Compliance with the Development Plan
- Other Matters Arising

7.2.1. The matter of '*Appropriate Assessment*' also requires examination.

7.2.2. For clarity I note to the Board that my assessment is based on the proposed development as revised by the applicant's further information response which was received by the Planning Authority on the 23<sup>rd</sup> day of February, 2022. With this response including a revised access to one shared access onto St. Vincent Roads to serve the two dwellings for which outline permission is sought alongside associated internal access and amendments to the subdivisions associated with these dwellings.

7.2.3. I consider this arrangement is more appropriate in terms of traffic safety onto a road where sightlines are impaired by the *ad hoc* on street car parking that arises on either side of it. Through to the issues that arise from this *ad hoc* car parking including as observed during site inspection conflicts between vehicle movements due to the width of this road's carriageway being reduced for traffic movements where two vehicles cannot pass one another in either direction.

7.2.4. Thus, the provision of a shared access has the potential to reduce the number of entrances opening onto this road and with this resulting in less potential for conflict to arise with road users, including vulnerable road users. Moreover, there are two existing mature trees in proximity to the existing entrance serving 'Burleigh Lodge' that positively contribute to the sylvan character of St. Vincent Road, the public domain of this part of the Burnaby ACA as well as the visual setting of Dunalee House, which is rated as being of 'Regional' importance in the NIAH (Note: NIAH Reg. No. 16304089).

7.2.5. The reduction in entrances serving the host dwelling alongside the proposed two dwellings along this stretch of modest in width and sensitive to change St. Vincent Road would in my view give rise to less potential for sightlines to be obstructed by these mature trees and also maintains the strong boundary treatments on the western side of St. Vincent Road that contain few vehicle/pedestrian entrances opening onto it.

7.2.6. The latter also contributes to the character as well as sylvan character of this ACA streetscape scene as appreciated from the public domain.

- 7.2.7. Arguably it would have been more appropriate for the design to have considered the use of the existing entrance serving 'Burleigh Lodge' which is served by a long driveway as opposed to putting forward a design whilst improved by the further information's response to provide a shared driveway serving the two dwellings as opposed to two additional entrances. The lack of consideration of a shared entrance for the three properties would result in less internal access road ways serving the host dwelling of 'Burleigh Lodge' and the two dwellings sought for outline permission. In addition, but also of significance given the protection afforded to trees for the mature trees and shrubs on this site under the Greystones/Delgany and Kilcoole Local Area Plan (Note: *Tree Protection Objective T18 of the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019*); Protected Trees: T16, Greystones, St. Vincent Road through to Objective HER4 of the Plan which seeks to protect and retain trees which contribute to the biodiversity value, the character and amenity of the area.
- 7.2.8. On this point I also note that the design and layout for the internal access driveways serving the proposed dwellings appears to require the loss of trees through to are located in close proximity to trunks of trees that would remain where the root structure would be potentially interfered with or damaged in their provision.
- 7.2.9. The amended shared access and the documentation provided with this outline application in relation to this concern through to the potential Arboricultural impact of the design and layout of the dwellings is not sufficient to make any informed determination.
- 7.2.10. As said whilst the revised design put forward in the applicant's further information for a shared entrance represents a qualitative improvement it does not overcome in my view the Arboricultural concerns nor am I convinced that the revised designs sufficiently justify any additional new access onto St. Vincent Road. In relation to the latter, I am also not convinced having inspected this road that the 45m sightlines are achievable as suggested by the applicant due to the potential obstruction of these sightlines by the existing mature trees. Through to that the amended design fully details the change in ground level between the site, the pedestrian footpath and the public carriageway of St. Vincent Road or has it been informed by any consideration of the *ad hoc* that arises on this restricted in width road that I observed during my inspection comprised its function in terms of the safe movement of traffic in both directions alongside providing access and egress for the dwellings dependent upon it.

7.2.11. With this being said I am of the view that concerns that were raised by the Board in its previous reason to refuse two detached dwellings on site (Note: ABP-306351-20/ (P.A. Ref. No. 191143)), dwellings that appear to have similar footprints and envelopes (Note 4 bedroom plus dwellings) to that outlined in this current proposal, in particular those relating to impact on trees have not been overcome.

### **7.3. Compliance with Planning Provisions/Planning History**

7.3.1. Of further concern in relation to the planning history of the site is in my view that the principle of any development at this site, which I note relates to a slightly larger 0.283ha site to which ABP-306351-20 (P.A. Ref. No. 191143) related (Note: 0.2514ha), is that the recently adopted Wicklow County Development Plan, 2022-2028, under Section 8.3.3 requires that: *“applications for development within the Conservation Area should contain sufficient information to allow a detailed assessment by the Planning Authority, as to the likely impacts of the proposal on the ACA”*. It sets out what it considers to be sufficient information to allow a detailed assessment are given as including:

- Fully rendered, scaled, elevation drawings.
- Photomontages relating the proposal to its setting and material samples such as colour charts, brick, and roofing materials brochures.

7.3.2. This section of the Development Plan also sets out that the developments within the ACA should comply with the guidelines as set out in the Architectural Heritage Protection Guidelines from the Department.

7.3.3. This application is an outline application with very limited details provided. This I accept is the case with such applications. Notwithstanding, the details provided with this application and on appeal are not sufficient to make an informed decision and are too vague for built heritage sensitive to change sites like that subject of this appeal.

7.3.4. As said previously they are also not sufficient to make an informed decision on the impact of the development on the natural features afforded protection both under the Local Area Plan and provided further robust protection under the recently adopted Development Plan. Or in relation to the access serving the host dwelling (Burleigh Lodge), the two dwellings sought and determining that the revised shared entrance

would not give rise to any adverse road safety or traffic hazard issues over and above the existing situation.

- 7.3.5. Whilst the site area has slightly increased in size from that of the previously refused development, both this application and the previous application sought two detached dwellings. With this being an outline application there is no gross floor area provided for the two dwellings; notwithstanding, very similar sized footprints and built forms (Note: 4 bedroom plus dwelling units) are now proposed. Under the previously refused application for two similar in footprint dwellings on this site a density of 18 dwelling units was sought. This exceeds the maximum density of 10 units per hectare permitted on R10 zoned land. With the reason for this being in the interests of preserving and protecting residential amenity. I am therefore not convinced that this outline permission would not give rise to an application for planning consequent that would not exceed the density of development permissible in the Burnaby ACA under the 'R10' zoning objective.
- 7.3.6. To this I note that the Burnaby ACA is characterised by a large period detached houses on extensive plots, setback from the street and location within mature tree planted gardens.
- 7.3.7. CPO 8.22 of the Development Plan sets out that the design of any development in Architectural Conservation Areas, should preserve and/or enhance their character and appearance as a whole. It also sets out that in consideration of applications for new buildings affecting ACAs there are a number of principles that are applicable. With this including that such proposals will only be considered where they positively enhance their character; that the siting of new buildings should, where appropriate retain the existing street building line; that the mass of the new building should be in scale and harmony with the adjoining buildings as well as the area as a whole; and the proportions of its parts should relate to each other, and to adjoining buildings.
- 7.3.8. Arguably this cannot be fully assessed on the information provided for outline permission. With this application seeking permission for what was essentially refused recently by the Board under appeal case ABP-306351-20 with only minor amendments to the positioning of the dwellings on site. But still seeking to significantly change the pattern of development that adjoins and neighbours 'Burleigh Lodge' by way of a seeking permission for development that represents overdevelopment of this

site and a type of development that is similarly cramped and at odds with the pattern of development that characterises this historic ACA block. Particularly the large garden plots on which its detached dwellings are positioned on with generous setbacks from properties in their vicinity. Of further concern this development also seeks to add backland development by way of including a dormer dwelling to the rear of the site.

- 7.3.9. This backland dwelling would likely be due to the significant changes in ground levels of the site, adjoining and neighbouring land through to public domain, result in a dwelling that alongside the two-storey dwelling would fail to be subservient to 'Sunnyside', the Edwardian single storey period dwelling whose curtilage is wrapped around on its western and northern side by the historic plot of 'Burleigh Lodge' which the site forms part of.
- 7.3.10. I note that Objective HER12 of the LAP sets out that it is an objective of the Council to protect the character of ACAs and to ensure that development will be controlled in them in order to protect, safeguard, and enhance the special character and environmental quality. As well as it sets out that the design of any development within an ACA shall preserve and/or enhance the character and the appearance of the ACA as a whole.
- 7.3.11. In this context I am not convinced that the proposed development would be a type of development that would not be visually injurious to its ACA setting; the architecturally important period properties it adjoins; through to it would result in my view, a type of development that fails to harmonise and respect the pattern of development that characterises this historic residential garden suburban plot in a manner that accords with local planning provisions.
- 7.3.12. Further, the Architectural Heritage Protection Guidelines for Planning Authorities, in relation to development affect the setting or a Protected Structure or an ACA under Section 13.8 sets out that such proposals should give rise to an adverse effect on the special interest character of the ACA or indeed any Protected Structures.
- 7.3.13. I am not satisfied based on the information provided with this application and on appeal that the proposed development would not give rise to serious injury to its built heritage rich site context which forms part of the Burnaby estate houses. These and their mature landscaped grounds and their harmony as well as rhythm of roadside

boundaries and entrances contribute significantly to the character of the streetscape scene and inform its special unique sense of place. These include 'Burleigh Lodge' which the site forms part of 'Sunnyside' to the east and 'Dunalee' is to the north.

7.3.14. These dwellings are setback from their front boundaries and set away from the closest neighbouring properties. Whereas this proposal puts forward a more cramped design and layout than that which characterises this historic suburban block. It also puts forward a design and layout that gives rise to an out of character form of development in its setting, i.e., backland development. It also proposes less generous lateral separation distance between properties with the potential of the same together with the positioning of the proposed dwellings likely to give rise to the loss of significant mature natural landscape features. In turn the loss of the mature natural features within the site would diminish the sylvan character of its setting.

7.3.15. Based on the above considerations I recommend that outline permission be refused on the basis that it would be a type of development that would fail to accord with the planning provisions for development within the ACA.

#### **7.4. Other Matters Arising**

7.4.1. **Built Heritage Impact:** As set out in the previous section of this assessment the built heritage impact of this outline planning application for two dwellings together with their associated works cannot be adequately determined based on the details provided. It would in my view be inappropriate to grant outline permission for the proposed development given local through to national planning provisions and guidance. Alongside the similarities of the proposed outline development to that previously refused by the Board under ABP-306351-20 (P.A. Ref. No. 191143).

7.4.2. **Residential Amenity Impact:** The site setting consists of mature residential development where the setting of the properties within the suburban block Burleigh Lodge forms part of are characterised not only by their architectural merit but also by the strong pattern of development.

I am of the view that the provision of two dwellings on what is essentially part of the historic garden plot of 'Burleigh Lodge' and given the proximity of the proposed dwellings to properties on its northern as well as southern boundary through to the potential loss of significant natural features that provide visual buffering, the lack of clarity on the overall design and layout of the dwellings sought, including adequate



topography details, it is not possible to quantify and make an informed decision on the potential residential amenity impact of the proposed development on the residential amenity of properties in the vicinity, in particular the properties to the south, north, north west and west.

I am of the view that not only would the proposed development be out of character with the pattern of development within this historic suburban residential block by way of its cramped and incongruous form of development. But also, would have the potential to give rise to a development that would be visually overbearing on a visually sensitive to change setting but also with the built form, positioning and lateral separation distance to other properties could give rise to a loss of privacy by way of overlooking.

- 7.4.3. **Procedural:** A number of procedural concerns are raised in relation to the handling of this application by the Planning Authority including the validity of the application.

In relation to these concerns and having inspected the site for this planning application that was determined to be a valid application by the Planning Authority having regard to the provisions of Section 34(13) of the Planning & Development Act, 2000, as amended, I raise concern that there appears to be merit in relation to the Site Notice visibility and legibility as viewed from the public domain of St. Vincent Road.

I am cognisant that Article 19(1) of the Regulations, as amended, specifies the validation requirements for the site notice and that the purpose of the site notice is to inform the public of the proposed development sought as well as to alert them as to its nature and extent. Whilst some time has passed since the 5-week period for which site notices are to be inspected by the Planning Authority as part of validating a planning application I raise significant concerns that the site notice may not have been legible as a new notice given that the previous notice had as contended by the observers been maintained *in situ*. With the same display used for the new notice without the plastic film cleaned. Thus, giving rise to the site notice not being legible to those passing by it in the public domain as relating to a new development being sought at this site. In this case, despite the time that has lapsed, which I consider would not be sufficient length to have resulted in such deterioration of the display used for the site notice that is still present on the site boundary, I am not satisfied that the site

notices fulfilled their purpose of reasonably informing the public of the proposed development sought.

## **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature, scale, and extent of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location and the proximity to the nearest European site, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be **refused**.

## **9.0 Reasons and Considerations**

1. The site of the proposed development is located in 'The Burnaby Architectural Conservation Area', a historic residential suburb developed at the turn of the 19th and 20th Centuries and considered to be of national interest. The policies and objectives of the Greystones/Delgany and Kilcoole Local Area Plan, 2013-2019, seek to protect, safeguard, and enhance the special character and environmental quality of Architectural Conservation Areas and the character and appearance of the urban public domain of such areas. With this provided for under Objective HER12 of the LAP. In addition, the Wicklow County Development Plan, 2022-2028, under Section 8.3.3 requires that all applications for development within Architectural Conservation Areas should contain sufficient information to allow a detailed assessment to be carried out by the Planning Authority, as to the likely impacts of a proposal on the ACA.

Having regard to:

- (i) The information accompanying this application.
- (ii) The planning history of the site.
- (iii) The location of the site on Saint Vincent Road and the prevailing pattern of development in the area.

- (iv) The size of the site.
- (v) The density of development that would arise from the development sought.
- (vi) The nature, scale, extent, design, and layout of the development sought which includes backland development and two proposed 4-bedroom plus dwellings, including the limited separation distance between the proposed dwellings and properties in their immediate vicinity.
- (vii) The potential for adverse impact to arise to mature natural features within the site, with these natural features contributing to the visual amenity of the area.
- (viii) The potential to give rise to traffic hazard and road safety concerns.

It is considered that the proposed development would give rise to a cramped, haphazard, and incongruous form of development on Saint Vincent Road, in a similar manner to the previous development refused by the Board on appeal under ABP-306351-20 (P.A. Ref. No. 191143), and a type of development which does not respect the special intrinsic character of this Architectural Conservation Area and its sylvan qualities. Accordingly, it is considered that the proposed development would degrade and detract from the character of The Burnaby Architectural Conservation Area.

The proposed development would, therefore, be contrary to the provisions of the Greystones/Delgany and Kilcoole Local Area Plan, 2013-2019, and the Wicklow County Development Plan, 2022-2028, would set an inappropriate precedent for similar development within the Architectural Conservation Area and would be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

30<sup>th</sup> day of November, 2022.