



An  
Bord  
Pleanála

## Inspector's Report ABP-317640-23

<b>Development</b>	Alterations and additions to dwelling including single-storey extension, first-floor extension (over undercroft car port), removal of boundary wall, new vehicular entrance, new stone wall etc.
<b>Location</b>	Carriglea, Marine Road, Greystones, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23/136
<b>Applicant(s)</b>	Michael and Evelyn Cawley
<b>Type of Application</b>	Permission (s. 34)
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party (s. 37)
<b>Appellant(s)</b>	Mark O'Hare John Rafferty
<b>Observer(s)</b>	Eugene Davy
<b>Date of Site Inspection</b>	25 <sup>th</sup> July 2024
<b>Inspector</b>	Philip Maguire

## 1.0 Site Location and Description

- 1.1. The appeal site occupies a prominent location on the southwestern side of Marine Road, adjoining Kimberley Road, in an established residential area of Greystones, Co. Wicklow. Marine Road is a short section of coastal road to the east of the town centre and due north of Greystones South Beach and the train station. It benefits from extensive views of the Irish Sea which is immediately east. The site is also within The Harbour Architectural Conservation Area (ACA) with Greystones Marina further north.
- 1.2. The appeal site has a stated area of 0.069ha contains a semi-detached two-storey period dwelling house known as 'Carriglea'. Given the surrounding road infrastructure and the extensive garden area associated with the attached dwelling, 'Carrigart', the subject house is somewhat divorced from any surrounding properties, bar 'Sunbeam', a single-storey, mews-type, house at the junction of Kimberley Road and La Touche Road. The majority of houses along that section of La Touch Road are two-storey semi-detached with more mews-type houses further north along Kimberley Road.
- 1.3. The appeal site therefore has a primary frontage of c. 50m along Marine Road, with vehicular access to the southern extent. This boundary is primarily a low wall with painted render finish and topped with hedgerow. The Kimberley Road boundary is defined by a marginally higher wall, unpainted, and similarly topped with hedgerow. This boundary also benefits from a garage access to the rear of the dwellinghouse.
- 1.4. The dwelling itself is a three-bay structure, albeit with projecting front bay over two storeys and replicated in the adjoining house. It is currently unoccupied nor it is habitable given the lack of windows and doors in the front and side elevations. Indeed, an extensive internal refurbishment appears to be underway and a new roof finish, incorporating swift bricks in these elevations, was evident. I also noted that a pre-existing front porch has been removed and observed Japanese Knotweed on site.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for alterations and additions to an existing dwellinghouse located in The Harbour ACA.
- 2.2. The proposed development comprised of:
  - (1) The removal of the existing rear return, outbuildings and front porch.

- (2) The construction of a single storey flat roof extension to the south of the existing main house, together with 2 no. chimneys to flat roof, internal reconfiguration of the existing dwelling and replacement front porch to existing dwelling.
- (3) The construction of a first-floor extension (over an undercroft car port) to the west of the existing main house with hipped slate roof to match existing, together with associated roof light (on the east hip of the proposed extension's roof).
- (4) Removal of existing concrete boundary wall, blocking up of existing vehicular entrance, creation of new vehicular/pedestrian and construction of a new stone boundary wall along Kimberly Road.
- (5) The blocking up of existing vehicular entrance to be replaced by render wall to match existing wall, creation of new vehicular entrance using existing pillars, together with a new separate pedestrian entrance and new partial timber screening behind the existing boundary wall with all associated site, landscaping and ancillary works.

2.3. The application documentation included:

- Design Statement (Wilson Hill Architects, February 2023)
- Photographic Survey (Wilson Hill Architects, February 2023)
- Engineering Report (CORA Consulting Engineers, January 2023)

2.4. A number of design elements were amended at further information stage, including:

- Flat roof as opposed to hipped roof above car part,
- Increased separation from the northern and western boundaries,
- Reduction in chimney height,
- Reduction in overall height, and
- Omission of timber fencing.

2.5. The applicant's further information response included:

- Engineering Report on Traffic Issues (CORA, June 2023)
- Invasive Species Report (Japanese Knotweed Ireland, May 2023)
- Built Heritage Report (Franc Myles, May 2023)

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Permission was granted on 30<sup>th</sup> June 2023, subject to 8 no. conditions.

3.1.2. Standard planning conditions include:

Condition 3 – requires the reinstatement of footpath and kerbs at the entrance to be blocked up and dishing at the proposed entrance.

Condition 6 – relates to external finishes.

Condition 7 – relates to surface water management.

Condition 8 – relates to construction hours.

3.1.3. Condition 4 requires the removal of Japanese Knotweed prior to the commencement of development and in accordance with the report date received 6<sup>th</sup> June 2023.

3.1.4. Condition 5 requires the proposal to be carried out in accordance with the swift mitigation measures in document date received 6<sup>th</sup> June 2023 with (a) no development in the vicinity of the swift nests during May to September, and (b) the installation of at least 2 no. swift boxes.

### 3.2. Planning Authority Reports

3.2.1. The Planning Officer's Report (05/04/23) can be summarised as follows:

- Principle acceptable on town centre zoning subject to considerations in relation to design and heritage, access neighbouring amenity and biodiversity.

#### *Design and Heritage*

- Demolition of the rear return may be acceptable, subject to a high quality of design which complements the existing building and character of the ACA.
- Concern raised in relation to the scale and massing of the two-storey extension and its relationship to the existing dwelling, including impact on the rear façade and window opes, and its impact on the adjoining house, 'Carrigart', due to height.

- Considers that the proposed two-storey extension, due to its width, depth and height would overwhelm the existing dwelling, unbalance the semi-detached pair and appear intrusive in the streetscape.
- Concerns raised in relation to the overall height and width of the single-storey extension, particularly the clerestory and taller chimney, which could appear overbearing in relation to the existing dwelling in views from the southwest.
- Notes the proximity to the coast and the views of the sea as key characteristics of the Harbour ACA and considers that the height of the side extension be reviewed.
- Raises concerns regarding the loss of the front porch, which it considers to be an original feature, and would unbalance the semi-detached pair of dwellings.
- Considers the rear boundary wall acceptable notwithstanding the ACA description that refers to 'planting and boundary hedging that softens the overall appearance' whereas considers the boundary treatment on Marine Road, with the loss of existing hedging to be harmful, both to the character of the dwelling and the ACA.
- Considers both the new vehicular access to Kimberley Road and the relocated entrance along Marine Road acceptable in terms of appearance, particularly given the retention of the existing gate pillars in the case of the latter.
- Considers that adequate private amenity space would be retained.

#### *Access and Parking*

- Notes that the proposed access along Kimberley Road would replace an existing access, therefore raises no objection in principle but considers that applicant should be requested to demonstrate that adequate sightlines are available.
- Notes that the amended access from Marine Road would result in the loss of 1 no. public parking space and considers that the applicant should be requested to confirm their acceptance of a special contribution *in lieu* of this space.

#### *Neighbouring Amenity*

- Considers that the proposal would have an overbearing impact on the adjoining property, 'Carrigart', but no overlooking issues arise.

### *Biodiversity*

- Notes that 4 no. swift nests were recorded under the eaves of 'Carriglea' (east and southeast elevations) in the Wicklow County Swift Survey carried out by Birdwatch Ireland in 2019 and that species and its nests are protected by the Wildlife Act.
- Considers that appropriate mitigation be put in place to avoid disturbance to the birds during the May to September period, and to provide alternative nest sites (e.g. boxes or nest bricks) to compensate for any loss of habitat occurring.

### *Conclusion*

- Concludes that further information is requested on this basis.

#### 3.2.2. The Planning Officer's Report (26/06/23) can be summarised as follows:

- Considers the proposed rear extension, as revised/reduced at further information stage, to be appropriate scale and appearance to the existing dwelling and streetscape of this part of the ACA.
- Is satisfied that the removal of the existing porch has been justified and that the design of the proposed porch will be a high quality, sensitive addition to the existing building and will preserve the character of the ACA.
- Considers that the proposed side extension, as revised/reduced at further information stage, would be a high-quality addition to the existing dwelling and would preserve the character of the ACA.
- Considers the commitments made in relation to the swift nests to be acceptable.
- Is satisfied that the revised access is acceptable along Kimberley Road is acceptable having regard to the existing access, the one-way nature of the road and reduced speed given the proximity of its junction with Marine Road.
- No objection to the sightlines, 23.9m Y-distance, along Marine Road.
- Notes that the invasive species report recommends that the knotweed is excavated and removed off site to a suitable licensed waste facility at least 4 weeks prior to the commencement of works and considers this acceptable.

- Notes the submitted materials schedule indicating the proposed treatments for the gates, boundary walls, extensions, replacement windows and considers them to be of high quality and appropriate to the existing building and ACA.
- Recommends a grant of permission on this basis.

### 3.2.3. Other Technical Reports

- Roads (06/03/23): No objection subject to condition.
- MD Engineer (10/03/23): No objection subject to condition.
- Heritage (27/03/23): No objection subject to condition.

## 3.3. Third Party Observations

### 3.3.1. Third-party observations received from:

- Robert Thomas and Susanna Murdoch
- Mark O'Hare
- John Rafferty

### 3.3.2. Issues raised are similar to the grounds of appeal (see section 6.1 below). The issues were summarised in the planning officer's initial report as follows:

- Impacts on on-street parking availability and traffic flow.
- Traffic hazard from Kimberley Road entrance.
- Proposed extension to South is of excessive height, impact on skyline.
- Colony of swifts nesting in eaves of dwelling, works should not disturb their nests.
- Out of proportion with the existing Victorian houses on Marine Road.

### 3.3.3. A further observation was received at further information stage (John Rafferty).

### 3.3.4. It is summarised in the subsequent planning officer's report as follows:

- The height of the side extension would be lowered by 300mm, less than 5%.
- The new extension in the southwest garden would be 4.4m in height.
- The width issues have not been addressed.
- Further information has not addressed the issues raised by the planning authority.

## 4.0 Planning History

4.1. None relating to appeal site.

4.2. Adjacent sites:

*'Brockagh', Kimberley Road, Greystones*

4.2.1. PA ref. 18/1195 – in July 2019, the Board upheld the decision of the planning authority and granted permission (ABP-303674-19) for a replacement dwelling etc.

*St. David's Secondary School, Marine Road, Greystones*

4.2.2. PA ref. 15/1318 – in July 2017, the Board upheld the decision of the planning authority and granted permission (ABP ref. PL27.247362) for a two and four-storey extension to the school building along with four temporary single-storey classroom units. This permission was subsequently amended under PA ref. 19/699.

*La Touche Cove, Trafalgar Road/Marine Terrace, Greystones*

4.2.3. PA ref. 15/114 – in February 2016, the Board upheld the decision of the planning authority and granted permission (ABP ref. PL27.245501) for 26 no. dwellings within retained shell of former main La Touche Hotel building, refurbishment, demolition etc.

*Cliff Cottage, Cliff Road, Greystones*

4.2.4. PA ref. 20/658 – in December 2020, the Board overturned the decision of the planning authority and granted permission (ref. ABP-308207-20) for variations to previously permitted extension and alterations under ABP-301408-18 and ABP-304844-19.

## 5.0 Policy Context

5.1. Local Planning Policy

***Wicklow County Development Plan 2022-2028 (as varied)***

5.1.1. The current Development Plan came into effect on 23<sup>rd</sup> October 2022. The planning authority decision of 30<sup>th</sup> June 2023 was made under the provisions of this Plan.

5.1.2. The main policy objectives relevant to the proposal are set out in chapters 6 (Housing), 8 (Built Heritage) and 17 (Natural Heritage & Biodiversity) of Volume 1 (Written Statement). Volume 3 sets out relevant design standards (Appendix 1).

5.1.3. The following sections are relevant to the proposed development:

- 6.4 – Housing Objectives (Existing Residential Areas)
- 8.3.3 – Architectural Conservation Areas (ACAs) (Table 8.1)
- 17.2.1 – Protected Habitats
- 17.2.2 – Woodlands, Trees and Hedgerows
- Appendix 1 – House extensions (3.1.4 and 3.1.8) and ACAs (9.2.2)

5.1.4. I consider the following policy objectives particularly relevant:

CPO 6.21 Seeks to normally permit house improvements, alterations and extensions etc. in accordance with principles of good design and protection of existing residential amenity in areas zoned 'Existing Residential' (other than on permitted/designated open space lands). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including materials, heights and forms), to provide for visual diversity.

CPO 8.21 Provides that buildings etc. which form an essential part of the character within an ACA, as detailed in their appraisals, shall be considered for protection and favours the repair and refurbishment of existing buildings within ACAs over demolition/new build in so far as practicable.

CPO 8.22 Provides that the design of any development in an ACA should preserve and / or enhance the character and appearance of the ACA and in consideration of extensions etc. affecting the ACA, the following principles will apply:

- Proposals will only be considered where they positively enhance the character of the ACA.
- The siting of new buildings should, where appropriate retain the existing street building line.

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

CPO 17.23 To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority)

***Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as varied)***

- 5.1.5. The Greystones LAP came into effect on 29<sup>th</sup> September 2013 and is the current land use plan for the settlement until replaced by a new LAP (at pre-draft stage). In addition to the current Plan, this appeal shall be determined under the provisions of this LAP.
- 5.1.6. The appeal site is zoned 'Town Centre' with a zoning objective *'To protect, provide for, and improve the development of a mix of town centre uses including retail,*

*commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.'*

5.1.7. Uses generally appropriate for this zoning include residential development etc.

5.1.8. I consider the following heritage objective particularly relevant:

- HER12        Seeks to preserve the character of ACAs in accordance with Appendix B. It sets out a number of objectives that shall apply to ACAs including:
- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
  - The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
  - Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.
  - The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.

5.1.9. Objective HER12 also notes that the designation of an ACA does not prejudice innovative and contemporary design and states 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 considers that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings which it considers to be counterproductive to heritage conservation.

5.1.10. Section 3.6 of Appendix B of the LAP relates to Greystones Harbour ACA. I note that Map B refers to it as 'The Harbour ACA'. I am satisfied that both can be used interchangeably. It notes that there is a high concentration of protected structures in the ACA, 24 in total and highlights the proximity to the coast and the views of the sea

as key characteristics of this area with extensive and accessible coastal open space along the length of Marine Road. It considers this an integral backdrop to the ACA.

5.1.11. Section 3.8 of Appendix B relates specifically to development in ACAs. It sets out a number of principles that apply to alterations, extensions etc. in ACAs, including:

- Proposals to demolish buildings or other features which contribute to the special interest of the ACA will not be permitted.
- The Council shall actively encourage the reinstatement of historically accurate architectural detailing on buildings of heritage interest in accordance with good conservation practice.
- The introduction of roof-lights to buildings of heritage or historical value should in principle be limited to the rear of the building.
- The materials used should be appropriate to the character of the area. Proposals to repair rather than replace original features will be encouraged, and where replacement does occur similar materials and compatible design will be required.

## 5.2. National Planning Policy and Guidelines

### *National Planning Framework (NPF)*

5.2.1. Project Ireland 2040, the National Planning Framework (NPF), sets the national planning policy context. National Policy Objective (NPO) 17 seeks to enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.

### *Architectural Heritage Guidelines*

5.2.2. The Architectural Heritage Protection Guidelines for Planning Authorities (DAHG, 2011) contains supplementary guidance to support planning authorities in their role to protect architectural heritage when a building in an ACA etc. is subject of works.

5.2.3. Section 3.10 sets out the criteria for assessing proposals within an ACA. It considers design to be of paramount importance for new buildings within ACAs and it generally preferable to minimise the visual impact of the proposal on its setting. Where there is an existing mixture of styles, it states that a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings.

- 5.2.4. Section 3.10.3 sets out ten criteria that should be considered when assessing the material affect that proposed demolition may have on the character of the ACA.
- 5.2.5. Section 6.8 relates to general types of development in terms of development control.
- 5.2.6. Section 6.8.1 notes that the cumulative effect of minor additions can compromise the special interest of a structure and the character of an ACA. It also notes that will often be necessary to permit appropriate new extensions, albeit to protected structures, in order to make them fit for modern living and to keep them in viable economic use.
- 5.2.7. Section 6.8.2 states that if planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. It also notes that the design of symmetrical buildings should not be compromised by additions that would disrupt symmetry or be detrimental to the design, albeit regarding protected structures.
- 5.2.8. Section 6.8.3 provides that attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. Careful consideration of the palette of materials can mediate between a modern design and the historic fabric. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.
- 5.2.9. Section 6.8.5 notes that in urban areas, careful consideration needs to be given to proposals for the construction of rear extensions to protected structures and buildings within ACAs. Rear elevations sometimes contain fabric that is useful in reading the history of the structure, for example surviving older windows or doors. The effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as in a terrace).
- 5.2.10. Finally, section 6.8.7 notes that there may be cases where the planning authority considers that additions would be detrimental to the character of an ACA and in such cases the proposed development should not be permitted by the planning authority.

### 5.3. Natural Heritage Designations

- The Murrough SPA (004186) – c. 1.3km south, southeast
- Bray Head SAC (000714) – c. 1.7km north, northwest
- Glen of the Downs SAC (000719) – c. 3.2km southwest

### 5.4. EIA Screening

- 5.4.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. Two separate third-party appeals have been lodged. The grounds of appeal reflect the observations made to the planning authority and can be summarised as follows:

#### *Mark O'Hare*

- Submits that the height of extension is out of proportion with the existing house and would dominate the 'Victorian' houses along Marine Road.
- States that it would be overbearing along the seafront, dominating and devaluing the nearby properties.
- Concerns raised regarding the impact of the 2.3m high boundary walls on views towards the seafront, stating that none of the walls on Marine Road are above 1m (1.65m on Kimberley Road).
- States that 'Carriglea' is one of few historic buildings in the ACA dating from 1885.
- Concerns raised regarding the exit arrangements from the car port on to Kimberley Road, stating that it is a busy narrow road.
- States that the extension, with a large footprint, carries very little reference to the Victorian past and fails to integrate through contemporary architecture
- Specific concerns are also raised in respect of the 4.5m high BBQ chimney which it considers oversized and out of scale with little consideration for air quality.

*John Rafferty*

- Submits that the proposal introduces three elements that unbalance the pair of semi-detached houses and raises concerns in relation to the visual impact when viewed from the seafront owing to the width of the proposed extension.
- Concerns raised in relation to the building line along Kimberley Road, stating that rear extension now abuts the new rear wall.
- Suggests that 'Carriglea' is a good example of 19<sup>th</sup> century architecture and cautions that the implications of a glazed 'pavilion' style extension within the ACA should be carefully considered.
- States that the new rear wall will be slightly higher than the existing hedgerow and will be compounded by the abutting rear wall contiguous to Kimberley Road and submits that this is contrary to the LAP (Appendix B, section 3.6; and Appendix C) and Development Plan (section 17.2.2).
- Submits that insufficient private open space will be provided for future occupants.

## **6.2. Applicant Response**

6.2.1. Colin McGill, Chartered Town Planner, responded on behalf of the applicant, Michael and Evelyn Cawley.

6.2.2. In relation to Mark O'Hare's appeal, the response can be summarised as follows:

- Submits that the size and height of the extension is subservient to the existing house.
- States that the visual impact is limited to a number of vantage points given the location of the extension to the side and the set back.
- Considers that the minimalist design and extensive use of glazing further reduces any potential impact on the visual amenities of the ACA, with the extension partially screened by retention of the front boundary wall and hedge along with proposed landscaping.
- Suggests that the removal of the rear boundary wall and hedging is necessary given the presence of Japanese knotweed and there is little difference between this existing boundary and that proposed.

- Considers that the buildings on either side of Kimberley Road are of modest or limited architectural quality and the buildings along the southern end do not contribute to the character of the ACA.
- Suggests that the proposed design is a good example of integrating contemporary and traditional architecture.
- Submits that the alterations to the school have had a major impact on changing the character of the ACA with modern architecture being the encouraged approach in extending buildings of character.
- Suggests that the concerns raised regarding the rear access are without substance, unsubstantiated and should be set aside.
- Notes that only one chimney remains as part of the proposal and considers that this solid vertical structure acts as a visual “anchor” to the horizontal emphasis of the extension.
- Suggests that the location of the site, along with the design, scale, set-back and height of the extension will not detract from the character of the ACA nor the visual amenities of the area and instead adds a high-quality contemporary addition to the site and surroundings.

6.2.3. In relation to John Rafferty’s appeal, the response can be summarised as follows:

- Suggests that the LAP is out of date but considers the main aims of the LAP are contained within the Development Plan insofar as they relate to built heritage.
- States that minimalist contemporary design will be facilitated in an ACA, as long as it does not detract from the character of the area.
- Suggests that careful consideration of national guidelines and local planning policies informed the design and states that the modern pavilion design is actively encouraged and its precedent to a historic building with the ACA cannot be denied.
- Considers that the height and location of the extension, set back and to the side, will not adversely affect the character of the ACA.
- In relation to concerns regarding the building line along Kimberley Road, suggests that CPO 8.22 refers to ‘new buildings’, and suggests that there are a variety of building lines in any event with no one established building line.

- Considers that the design will enhance the rear of 'Carriglea'.
- Restates the reason for the rear hedgerow removal and states that the new stone wall and rear elevation combine to create a balanced architectural solution.
- Notes that the standards raised in relation to private amenity space requirements (Appendix 1 of the Development Plan) refer to new houses, and c. 130sq.m remains to the side of the house and 42sq.m to the rear of the house in any event.

### 6.3. **Planning Authority Response**

6.3.1. None.

### 6.4. **Observations**

6.4.1. An observation was received from Eugene Davy, 'Carrigart', Marine Road, Greystones, Co. Wicklow, in general support of the proposed development.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those generally raised in the grounds of appeal.

7.2. The issues can be addressed under the following headings:

- Built Heritage
- Natural Heritage
- Residential Amenity
- Traffic and Transport
- Other Issues

### 7.3. **Built Heritage**

7.3.1. The appeal site is located within The Harbour ACA and whilst the dwelling, 'Carriglea' and the adjoining dwelling, 'Carrigart', are not listed in the Record of Protected Structures (RPS), they are of significant vernacular merit and prominent along the

seafront and in the streetscape. The built heritage report submitted by the applicant at further information stage, states that the buildings date from the Edwardian era.

- 7.3.2. I also note that the buildings lie within The Harbour ACA, albeit to the southern extent.
- 7.3.3. Both appellants have raised primary concerns in relation to the visual impact of the proposal in the context of The Harbour ACA and architectural heritage of the building. Some specific elements are highlighted and relate generally to the layout and design including impact on rear building line, loss of hedgerow and general overbearance.
- 7.3.4. The applicant, on the other hand, states that the proposed extension is subservient, being primarily to the side and set back from the front elevation. They also submit that the minimalist design and use of glazing reduces the impact on visual amenities and the character of the ACA, which they consider has evolved significantly in recent years through the introduction of more contemporary forms of architecture. This, they suggest, is supported by national and local policy which encourages such design.

#### *Status of the Greystones LAP*

- 7.3.5. I note that the applicant has queried the status of the Greystones LAP but accepts that most of the provisions contained therein are also detailed in the Development Plan.
- 7.3.6. Whilst I accept that the LAP has a stated period of 2013-2019, it is referred to in various sections of the Development Plan which came into effect on 23<sup>rd</sup> October 2022. Nor does the LAP expressly state that it will fail to have effect in 2019 or on any specified date in 2019. In the absence of any legislative provision giving effect to such a scenario, I am satisfied that the LAP remains the relevant land use plan for the area.
- 7.3.7. Therefore, guidance in relation to residential extensions in The Harbour ACA is set out the Greystones LAP with more general guidance outlined the Development Plan. National guidance is set out in the Architectural Heritage Guidelines (see section 5.0).

#### *Layout and Design*

- 7.3.8. As noted, the proposed extension, as amended at further information stage, is sited to the side and rear of the dwelling. It consists of a two-storey flat roof structure, 5.985m above FFL, with undercroft car port below, and single-storey pavilion-type structure extending southwards with a stated area of 88sq.m. It too has a flat roof structure, 3.600m above FFL, and incorporates a feature chimney. The two-storey element has significant vertical emphasis whereas the pavilion-type structure is primarily horizontal

with full height glazed openings, clerestory windows and a wraparound platform with portico. An internal courtyard is located between the linked structures, and rear wall.

- 7.3.9. In this regard, I note that the lean-to and pitched roof returns and outbuildings are to be demolished in order to facilitate the proposed extension. They have a stated area of 64sq.m. The rear boundary wall is also to be removed along with the vehicular access to the garage. A new vehicular entrance is proposed which will facilitate access to the car port together with a new stone boundary wall along Kimberly Road. I note that the ground levels will be marginally raised to meet road level at this point.
- 7.3.10. To the front of the house, a new porch is proposed. This requires the removal the pre-existing front porch, although these works have already been executed, as noted.
- 7.3.11. Finally, the applicant also proposes to block-up the existing vehicular entrance along Marine Road with a rendered wall and create a new vehicular entrance using the existing pillars, together with a separate pedestrian entrance immediately adjacent.
- 7.3.12. The existing dwelling has a ridge height of c. 9.00m above FFL with eaves roughly at 6.30m above FFL. The proposed flat roof extension to the rear, ties in just below eaves level and is entirely obscured by the front elevation when viewed from the east.
- 7.3.13. The pavilion-type extension, projects by c. 12.50m beyond the southern gable end and has a height of c. 3.80m above FFL. I note that ground levels will be marginally raised and a not insignificant quantum of underbuild will be required to maintain the FFL.
- 7.3.14. Both elements, whilst linked, are separate and distinctive in their own right. The two-storey structure maintains a degree of resemblance to the existing dwelling through scale, massing and window arrangement whereas the pavilion-type structure is distinctively different. Both have architectural merit and are contemporary in nature.
- 7.3.15. In this regard, I do not agree with the appellant that the extension, as read together, is overbearing on, or out of proportion with the existing house nor would it dominate this end of Marine Road. The glazed pavilion is lightweight, and will present as such.
- 7.3.16. Whilst I accept that there is a high concentration of protected structures in The Harbour ACA, 24 in total, these are primarily located to the northern end of the ACA, close to the marina, and more centrally around Marine Terrace / Trafalgar Road, whereas the appeal site bookends the southern extent of the ACA where the context is transitional.

7.3.17. This transition is characterised by mews-type development along Kimberley Road, with more contemporary architecture further north, including the school extension. I therefore accept the applicant's submission that the character of this part of the ACA has been altered in recent years and I agree that proposal integrates in this context.

7.3.18. I am therefore satisfied that the proposal will positively enhance the character of the ACA through an extension that successfully acknowledges the built heritage of the area whilst not imitating the existing building or detracting from the visual amenities.

#### *Building Line*

7.3.19. Whilst the appellant is concerned about the impact of the proposal on the building line along Kimberley Road, I note that the main building line is along Marine Road which wraps around front and side elevations. This is where determinative weight should be placed. In this regard, the extension not only respects the front elevation but equally the side elevation, with the gable end effectively unaltered. This may impact on the openness of the area from Kimberley Road, but will not impact primary sea views.

#### *Boundary Wall and Hedgerow*

7.3.20. In terms of openness, the appellants also raise concerns about the impact of the new boundary wall along Kimberley Road. Whilst I acknowledge the rationale provided by the applicant for the removal of the wall and hedgerow and I accept that Japanese knotweed is present on site, I do share the appellants concerns regarding the overall height of the new wall. It will, in my open, alter the general openness experienced at this particular junction and should be reduced slightly by condition i.e., 1.8m and 2.1m.

#### *Conclusion on Built Heritage*

7.3.21. Having regard to the architectural heritage guidelines, the LAP and the Development Plan, I accept that the proposed extension is deliberately contemporary, and I consider that the somewhat discordant approach is appropriate, as any attempt to ape the grandeur of the existing buildings would likely fail at the scale of a domestic extension.

7.3.22. On balance, I do not consider that the proposed development would adversely impact on The Harbour ACA or detract from the built heritage of the area or appeal site.

### **7.4. Natural Heritage**

7.4.1. The appellants also raise concerns regarding the impact of the proposal on the natural heritage of the area, specifically the removal of the hedgerow in terms of biodiversity.

### *Hedgerow Removal*

- 7.4.2. As noted, the applicant has provided sufficient evidence to justify the removal of the rear wall and hedgerow. I have reviewed the invasives species report and observed the presence of Japanese knotweed on the appeal site, adjacent to the rear boundary wall. I consider that condition 4 of the planning authority decision is reasonable in this regard and I have no residual concerns regarding the removal of the rear hedgerow.
- 7.4.3. I also recommend that all other hedgerows and boundaries should be retained save insofar as required to accommodate the relocation of the access along Marine Road.

### *Nesting Birds / Swifts*

- 7.4.4. Condition 5 of the planning authority decision relates to measures to limit the impact of the proposed development on nesting previously birds observed at the appeal site, namely swifts. I observed three swift bricks at eaves level in the front elevation and one in the side elevation during my site inspection. In this regard, I am satisfied that the applicant has demonstrated a commitment to preserving the identified nesting sites. I consider that a similarly worded condition is fully reasonable in this regard.

### *Conclusion on Natural Heritage*

- 7.4.5. On balance, I do not consider that the proposed development will adversely impact on the natural heritage of the area subject to measures to control the spread of the identified invasive species and ensure that habitat of returning swifts is not altered.

## **7.5. Residential Amenity**

- 7.5.1. As noted, concerns were also raised in relation to impacts on residential amenity. The appellant suggests that insufficient private amenity space has been provided. The applicant, on the other hand, states that the referenced standards refer to new houses.

### *Private Amenity Space*

- 7.5.2. I note that the existing dwelling currently has limited private amenity space to the rear which is largely given over to the rear returns and outbuildings. The applicant states that roughly 130sq.m of private amenity space is retained to the side of the dwelling. Moreover, and determinatively, they state 42sq.m of private amenity space is retained to the rear. This evidently includes an internal courtyard additional undercroft area.

- 7.5.3. I do however have a slight concern regarding any future use of the flat roofs as balconies or roof gardens and therefore I recommend that this be conditioned out.

*Conclusion on Residential Amenity*

- 7.5.4. On balance, I am satisfied that the proposed development includes sufficient private amenity space for the enjoyment of future occupants of the dwelling, as extended.

**7.6. Traffic and Transport**

- 7.6.1. The appellants have raised concerns regarding the exit arrangements from the car port on to Kimberley Road, stating that it is a busy road. The applicant suggests that such concerns are without merit, and refers to the further information response.

- 7.6.2. The dwelling is currently served by a rear accessed garage, c. 19m from the junction with Marine Road. It incorporates a dropped kerb across the public footpath. As noted, it is proposed to remove this garage access and relocate it further to the north.

*Rear Access*

- 7.6.3. The further information response notes that the proposed access/exit point is c. 26m north of the Marine Road junction with Kimberley Road currently one-way in a northerly direction. Visibility splays of 2.4m by 23m are proposed in accordance with DMURS.

- 7.6.4. The proposed sightlines would only be relevant if cars were exiting in forward gear but it is not evident, nor has it been demonstrated that this would be the case. The Board may wish to seek further information in this regard or remove the rear access entirely.

- 7.6.5. However, given the width of the rear access point, c. 6m, the one-way nature of the road and its vertical and horizontal alignment, the distance from the road junction, the fact that the road appears lightly trafficked and having particular regard to the existing garage entrance, I do not consider that significant traffic impacts will arise. Nor do I consider that the proposed access will give rise to significant intensification of use and I fully accept that the proposal represents a weighty improvement on the *status quo*.

*Conclusion on Traffic and Transport*

- 7.6.6. On balance, I am satisfied that the proposed undercroft access/exit point is acceptable and I do not consider it endanger public safety by reason of a traffic hazard.

**7.7. Other Issues**

- 7.7.1. The appellants raised other concerns which are at the periphery of the main issues.

### *Public Health*

- 7.7.2. The appellants raise concerns regarding the impact of the proposed chimney on air quality. This ground has not been substantiated and I do not plan to consider it further as chimneys remain an acceptable design feature notwithstanding climate change.

### *Property Value*

- 7.7.3. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out above, I am satisfied that the proposal would not seriously injure the amenities of the area to an extent that it would adversely affect the value of property in the area.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is The Murrough SPA (Site Code: 004186), c. 1.3km south, southeast of the proposed development.

- 8.3. The proposed development is located within a residential area and comprises the conversion of an existing outbuilding into a two-bed apartment, minor alterations to elevations and all associated site works.

- 8.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

- 8.5. The reason for this conclusion is as follows:

- Small scale and domestic nature of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

- 8.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

9.1. I recommend that permission be **granted** for the reasons and considerations below.

## 10.0 Reasons and Considerations

10.1. Having regard to the provisions of Wicklow County Development Plan 2022-2028 (as varied) and the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as varied), the location of the proposed development within the settlement boundary of Greystone on zoned town centre lands, the relatively small scale nature of the proposal in the context of the appeal site and overall Architectural Conservation Area (ACA), significantly removed from the main concentrations of protected structures in this ACA, and the prevailing pattern and character of development in this area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect The Harbour ACA, would not seriously injure the amenities of the area or of property in the vicinity, would not negatively impact on the natural heritage of the area, would not endanger public safety by reason of a traffic hazard or impact public health. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. 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 submitted on the 6<sup>th</sup> day of June, 2023, 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.

**Reason:** In the interests of clarity.

2. The proposed development shall be amended as follows:
  - (a) The rear boundary wall shall be a maximum of 1.80m above the adjoining road level.

(b) The gates serving the rear of the dwelling shall be a maximum of 2.10m above the adjoining road level.

(c) All other boundaries, including hedgerows, shall be permanently retained save insofar as required to relocate the front vehicular access and pedestrian gate along Marine Road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. (a) The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

(b) The roof of any extension shall not be used as a balcony or roof garden.

**Reason:** To restrict the use of the extension in the interest of residential amenity

4. Prior to commencement of development hereby permitted, the Japanese knotweed on site shall be removed in accordance with the sequence of works set out in section 2.3 of the 'Site Assessment & Treatment Proposal for Invasive Alien Plant Species' report, submitted on the 6<sup>th</sup> day of June, 2023.

**Reason:** In the interests of biodiversity and natural heritage.

5. (a) No development shall take place during the swift nesting period, May to September inclusive.

(b) Details of swift bricks or other suitable alternatives shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development hereby permitted.

**Reason:** In the interests of biodiversity and natural heritage.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contributions 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.

**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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Philip Maguire  
Planning Inspector  
31<sup>st</sup> July 2024

## Appendix 1

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	ABP-317640-23		
<b>Proposed Development Summary</b>	Alterations and additions to dwelling including single-storey extension, first-floor extension (over undercroft car port), removal of boundary wall, new vehicular entrance, new stone wall etc.		
<b>Development Address</b>	Carriglea, Marine Road, Greystones, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>		X	<b>Preliminary Examination required</b>
<b>Yes</b>			<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_