



An
Bord
Pleanála

Inspector's Report

ABP-317733-23

Development	Construction of extension and associated works.
Location	Amber, Violet Hill, Herbert Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	221102
Applicant(s)	David O'Brien and Grainne Birdthistle
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Maria Gallen
Observer(s)	Daniel Gallen
Date of Site Inspection	11 th June 2024
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located in Bray, Co. Wicklow and forms part of Violet Hill House, a protected structure. The original house was previously subdivided into 4 no. residential units, in this regard Violet Hill House, Mandalay, Amber and Gallery. A former stables and coach house adjacent to the appeal site have also been converted to residential use. There are a total of 9 no. residential units within the overall Violet Hill site. All residential units are accessed from a private laneway via Herbert Road. The properties within the overall site are setback from the public road and well screened by mature trees and vegetation which gives the site a sylvan character.
- 1.2. Amber, the subject of this appeal site is irregular in shape. It has a stated area of 0.119ha and contains a ground floor residential unit with a stated area of 179.5sqm. There is a large garden area to the north-west (front) and north-east (side) of Amber. The open space area located directly to the front of the property comprises a landscaped garden with seating area. The open space area located directly to the side of the property generally comprises a gravelled area with a hen house / chicken coop and seating area. To the north-east of the side garden is a large, gravelled driveway. Further north-east is a large area of grassed open space which currently accommodates 2 no. sheds and bin storage etc. The differing areas of open space are generally subdivided by planting and hedges and there are a number of mature trees within the sites.
- 1.3. Trees at Violet Hill are protected by Tree Preservation Order.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a modern garden wall, removal of existing double doors, and the construction of a single storey, flat roof timber clad extension with a partially glazed link to the northeast of the existing dwelling Amber, which is a protected structure (Ref. B25).

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 6 no. conditions. The following conditions are considered relevant:

3. (a) The proposed works shall be carried out as described in accordance with the Conservation Report by Darragh Lynch Architects submitted, unless otherwise agreed in writing with the Planning Authority, prior to commencement of development.

(b) When the works are complete a report including photographic evidence from a Conservation Architect or other suitably qualified professional (with professional indemnity insurance) stating that the works are in accordance with (a) above shall be submitted to the Planning Authority.

Reason: To ensure the protection of the protected structure and in the interests of architectural harmony and visual amenity.

4. (a) The proposed works shall be carried out as described in accordance with the Tree Survey and Planning Report prepared by ITS Ltd submitted, unless otherwise agreed in writing with the Planning Authority, prior to commencement of development.

(b) The applicant is required to engage the services of a suitably qualified arborist to oversee and direct the tree protection measures on site. No work shall be undertaken within the RPA prior to the implementation of tree protection measures.

(c) When the works are complete a report including photographic evidence from a suitably qualified arborist or other suitably qualified professional (with professional indemnity insurance) stating that the works are in accordance with (a) above shall be submitted to the Planning Authority.

Reason: To ensure the protection of the protected trees and the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial planners report dated 5th December 2022 raised some concerns regarding the proposed extension and requested that 5 no. items of further information be sought. these are summarised below: -

1. Address concerns that the proposed extension would negatively impact on a root protection area (RPA) of a Yew Tree (T700).
2. Address concerns that the extension is not subordinate to the existing building.
3. Address concerns of potential overbearing impact on a shared courtyard area.
4. Submit revised drawings and CGI images.
5. Clarify if it proposed to connect the development to a private well.

The response to the further information request was considered to be significant and the revised proposal was readvertised.

The planners report dated 11th July 2023 considered that all items of further information were adequately addressed and recommended that permission be granted.

3.2.2. *Other Technical Reports*

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3 no. third party submission were received from Clare Meckin of The Stable House, Elizabeth Wilding of The Coach House and Maria Gallen of The Gallery, all of which are properties within the overall site of Violet Hill House. An additional submission was also received by Maria Gallen following re-advertising of significant further information. The concerns raised are similar to those summarised in the appeal below.

4.0 Planning History

There are a large number of applications relating to the appeal site the most relevant are outlined below:

Appeal Site

Reg. Ref. EX 69/2022: A Section 5 determined that the provision of 2 no. sheds and a chicken coop were development and were not exempted development.

Reg. Ref. 23/60035: Permission was granted in 2023 for the retention of internal alterations to a protected structure, 2 no. sheds and a chicken coop. This decision is currently on appeal, ABP. 317559-23.

ABP 311675-21, Reg Ref: 21/988: Permission was refused in 2022 for a single storey extension to Amber and all associated site works. The 2 no. reasons for refusal related to (1) due to the lack of information regarding the layout, extent and disposition of existing residential units within Violet Hill House (Protected Structure) the Board was not satisfied that the proposed development would not seriously injure the visual and / or residential amenities of adjoining dwellings and (2) by reason of form, materials and design the extension would have a detrimental impact on the architectural character and setting of the protected structure.

Reg Ref: 17/544: Permission was granted in 2017 for refurbishment and internal modifications to Amber.

Adjacent Sites within Violet Hill

ABP 314979-22, Reg. Ref. 22/151: Permission was granted in 2023 for the demolition of existing single-storey rear extension and construction of new single-storey rear extension, attic conversion, restoration of roof, new stairs from first floor to attic and all associated site works at Mandalay, Violet Hill House.

ABP 315055-22, Reg. Ref. 22/1013: Permission was granted in 2023 for the conversion of existing attic to habitable space, restoration of roof, new roof structure and new stairs from first floor to attic and all associated site works at Mandalay, Violet Hill House.

ABP 318827-24, Reg. Ref. EX83/2023: Current referral regarding whether “the removal of paint from part of protected structure” is or is not exempted development at Violet Hill House.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

The appeal site is zoned RE Existing Residential with the associated land use objective to *protect, provide and improve residential amenities of existing residential areas*. The aim of this zoning objective is to provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

The record of protected structures in Bray list Violet Hill – Structure (Ref. B25). The Green Infrastructure Map indicates that there is a Tree Preservation Order on the appeal site.

Chapter 9 Built and Natural Heritage sets out objectives and standards for architectural heritage. The following objectives are considered relevant.

AH1 To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures

AH2 To positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects and / or other relevant experts, suitable design, materials and construction methods. All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection. To support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc) previously existed, while not compromising the need for energy conservation.

5.2. Wicklow County Development Plan 2022-2028

Appendix 1 of the development plan sets out development and design standards. Section 3.1.8 sets out basic principles for house extensions. These include the following:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure.
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided.
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

The following objectives are also considered relevant:

CPO 6.21 In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted...

CPO 8.13 To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

CPO 8.14 To positively consider proposals to alter or change the use of protected structures so as to render them viable for modern use, subject to architectural heritage assessment and to demonstration by a suitably qualified Conservation Architect / or other relevant expertise that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised.

5.3. **Section 28 Ministerial Guidelines**

- Architectural Heritage Protection Guidelines, 2011

5.4. **Natural Heritage Designations**

5.4.1. The appeal site is not located in or immediately adjacent to a designed site.

5.5. **EIA Screening**

5.5.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

An extensive third-party appeal was received from Maria Gallen who is the owner of The Gallery, Violet Hill. The appeal includes an Architectural Heritage Assessment. The grounds of the appeal are summarised below:

Principle of Development

- Permission was previously refused for a similar extension due to the negative impact on the protected structure. Examples of other refusals of permission for extensions to protected structures in Wicklow are provided in Section 3.8 of the submission.

Built Heritage

- The proposed extension would have a negative visual impact on the symmetry of the protected structure and would set an undesirable precedent for similar extensions on the opposite end of the protected structure.

- The applicants Conservation Report acknowledges that there would be a negative effect on the protected structure. The only benefit is for the occupants of Amber.
- The north-east elevation of the protected structure is the principle elevation of the house. This elevation is prominent when entering the site from the driveway.
- The proposed extension has no respect for the protected structure or other properties in the vicinity of the site.
- The curtilage of the protected structure would be seriously degraded and impacted by the location, design and extent of the extension.
- The proposed extension would irrevocably alter the composition of the building and layout of the complex.
- The extension is not in accordance with the provisions of the Architectural Heritage Guidelines.
- The applicants Conservation Report fails to address the impact on existing openings.
- This is a large residential property, c. 179sqm. The right to expand a unique period property is not absolute.
- The extension appears as a chalet or shed. The cedar façade introduces a non-conforming expansive new material, which would require on-going maintenance.
- The wall to be removed forms the boundary with private open space serving other units within the site. Its replacement with a long-curved wall would damage the layout of the complex. There is no consideration of the solid to void ratio given as a reason for refusal on the previous application.
- The application fails to consider the development in the context of the overall structure and the significant adverse impact on the smaller historical buildings on site.
- The existing boundaries between the areas of private open space generally comprises hedges and vegetation, which retains the open space character that

the protected structure was original set in. It is important that this open character is retained.

- The proposed development would fundamentally change the curtilage of a protected structure and would introduce a new element which conflicts with the setting and inherent character of the building.
- The conservation report fails to address the impact of the 2 no. sheds and chicken coop subject to an appeal (ABP 317559-23) and car parking on the protected structure.
- The Architectural Heritage Assessment attached to the appeal concludes that there should be no extension to, or in front of, the north end of Violet Hill. it would irrevocably damage an important great house, a protected structure and a seminal building in the emergence of Arts and Crafts Architecture in Ireland.

Residential Amenity

- The development would be directly overlooked by The Gallery, which is the apartment above Amber.
- The proposed extension would result in the loss of views from existing windows towards open space, which formed part of the original layout of the protected structure. It would also result in the loss of views of the protected structure.
- The level of noise generated by the extension would be unacceptable to existing residents.
- Concerns that the proposed development could impact on access to the upper levels and roof of The Gallery, for maintenance purposes.

Trees

- The proposed development would negatively impact on a Tree Preservation Order. 2 no. trees have already been felled within site.

Other Issues

- Concerns raised regarding errors and omissions in the applicant's documentation and the reports of the planning authority.

- The long-term viability of the sedum roof is questioned. A change in roof would require planning permission.

6.2. Applicant Response

The applicant's response includes a note from a Conservation Architect. The main grounds of the response are summarised below:

- The previous reasons for refusal on the appeal site have been carefully considered. This current application addresses them. The previous design was pastiche. In contrast the proposed extension has a contemporary design approach, reflecting its own era and providing a contrast to the existing structures.
- The extension is subservient to the protected structure and modest in scale.
- The view of the appellants Conservation Report that no extensions should be permitted to the northern elevation of the protected structure is contrary to the provisions of the development plan. Section 8 of the submission lists a number of grants of permissions for extensions to protected structures.
- The Architectural Heritage Guidelines also provide guidance on how to extend protected structures. The proposed extension follows this best practice.
- Violet Hill itself has been extended and adapted many times over the years.
- It is acknowledged that the proposed development would result in an alteration to the boundary shared with The Stables and The Coach House. However, this comprises a relatively low 3m high, high quality, ribbed cedar timber wall to a gravel driveway, which is shared by residents.
- Given the size of the shared courtyard and the height of the existing surrounding existing buildings the proposed extension would not dominate the shared courtyard.
- The note from the Conservation Architect concludes that the proposal does not irrevocably damage an important house and protected structure. this proposal makes a sensitive single storey contemporary intervention into a historic

setting. It provides for the applicants needs and retains the legibility of the original house within the overall site context.

- The proposed extension does not overshadow or overlook any other dwellings.
- The extension has been designed to ensure it does not impact on existing residential amenities, including the provision of obscured glass in the skylights. Windows have also been carefully positioned to ensure there is no overlooking. If deemed necessary windows could be permanently obscured.
- The proposed extension would accommodate bedrooms, which by their nature are not noisy space.
- Access and maintenance of The Gallery was carefully considered during the design process. The extension is located c. 2.9m from the main building. There is ample space to allow for maintenance.
- The chicken coop to be retained, currently under appeal ABP 317559-23, would be removed to facilitate the extension.
- Concerns regarding the impact on the root protection zone (RPZ) of preserved trees was addressed by way of further information. The arborist report concluded that the extension would not impact on the RPZ.
- The applicants are happy to undertake maintenance of the sedum / wildflower roof to ensure it thrives. They are happy to accept a condition in this regard.
- The issue of tree felling is outside the remit of this application.
- Any errors or omission in the submitted drawings are relatively minor and do not affect the viability of the design.
- Disagrees that the planner's reports contains fundamental errors.

6.3.Planning Authority Response

None

6.4. Observations

An observation was received from Daniel Gallen, who resides at The Gallery, in support of the appeal. Concerns raised in the observation that were not raised in the appeal are summarised below:

- A large banner has been hung from Amber which illustrates that the applicants are not protecting the protected structure by drilling holes into the wall. Photographs of the banner are included with the submission.
- There has always been oblique overlooking between the residents within Violet Hill. this is an accepted compromise to the protected structure.
- The banner is an eyesore which materially and negatively impacts the protected structure.
- Concerns that Wicklow County Council have not had due regard to the architectural heritage and history of Violet Hill.
- The garden area of Amber used to be well maintained. Its current state should not influence the assessment of the application.
- This application cannot take place without damaging The Gallery. This is contrary to the very restrictive set of deeds dating to the 1970's. The appeals taken on this application and others within Violet Hill are to protect the heritage of the estate and avoid legal action against the applicants.

6.5. Further Responses

None

7.0 Assessment

- 7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Built Heritage
- Tree Preservation Order
- Other Issues

7.1.1. In the interest of clarity this assessment relates to the revised design and layout of the extension as submitted by way of further information.

7.2. ***Principle of Development***

7.2.1. The appeal site is zoned RE Existing Residential with the associated land use objective to *protect, provide and improve residential amenities of existing residential areas*. The aim of this zoning objective is to provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. I am satisfied that a residential extension is permissible under the sites zoning objective.

7.3. ***Built Heritage***

7.3.1. A number of concerns were raised by the third party with regard to the design and layout of the extension and its impact on the protected structure and its curtilage. Although not repeated in the submission, the observer states that all the concerns raised by the appellant are supported.

7.3.2. The appeal site forms part of the former Violet Hill House, a protected structure (Ref. B25). The applicants Conservation Report notes that Violet Hill House was undertaken in two stages. It states that the original house was built in 1836 and extended in c. 1863. The extension to the original house now contains the appeal site, Amber and The Gallery above. The house is listed on the NIAH with a Regional rating and is described as a multiple bay, 2-storey former country house built in 1862. It is noted as being an important asset to the architectural heritage of the area. Violet Hill House is set in large grounds, with an area of c. 2.4 ha. Both the applicant and the appellant acknowledge the architectural importance of the house and its curtilage.

7.3.3. Violet Hill House was previously subdivided into 4 no. residential units, in this regard Violet Hill House, Mandalay, Amber and Gallery. A former stables and coach house adjacent to the appeal site have also been converted to residential use. There are a

total of 9 no. residential units within the overall Violet Hill site and the open space formerly associated with the protected structure has been subdivided to provide each residential unit with separate private open space. Violet Hill House and Mandalay have separate gated access roads, while Amber, the Gallery and the residential units located within the former stables and coach house have a shared access road.

- 7.3.4. Amber, the subject of this appeal is a ground floor apartment with mezzanine level above the living room. It is located at the north-eastern elevation of the protected structure with The Gallery apartment located above. Amber has a stated area of 179.5sqm and is set within a site of c. 0.119ha. The open space associated with Amber is predominately located to the front of the protected structure.
- 7.3.5. The extension has a stated area of 57.4sqm with a contemporary design approach. It is irregular in shape and generally follows the curved lines of the site's eastern boundary, with a partial set back to provide a courtyard area. The western elevation has a stepped design approach. The proposed extension is located to the north east (side) of the protected structure, which is also the side elevation of Amber. The internal layout provides for 3 no. bedrooms, (1 no. ensuite), a main bathroom and a link corridor to the main building. The single storey extension has a flat roof with a maximum height of 3m. It is proposed to provide a sedum / wildflower roof. Given the small scale of the proposed extension it is my opinion that it is subservient to the main house and is in accordance with the basic principles for house extensions set out in Section 3.1.8 Appendix 1 of the development plan.
- 7.3.6. While it is acknowledged that Section 6.8 of the Architectural Heritage Guidelines notes that the cumulative effect of minor additions can comprises the special interest of a structure the guidelines do not prohibit extensions to protected structures and provide guidance on how to appropriate extend protected structures. It is also noted that a rear extension was granted permission at Mandalay, the middle residential property within Violet Hill House, in 2022 (ABP. 314979-22).
- 7.3.7. Section 6.8.2 of the Guidelines notes that new work to a protected structure should involve the smallest possible loss of historic fabric. It is proposed to connect the extension to the protected structure via a c. 3m wide corridor at the location of an existing bedroom via existing modern double doors. The connection requires a c. 1.6m

wide gap in the north-eastern elevation of the protected structure. With the exception of the link corridor the extension is located a minimum of c. 2.8m from the north-eastern (side) elevation of the protected structure. It is my view that the proposed extension is in accordance with the principles of the Architectural Heritage Guidelines and that due consideration was given to the design approach, to ensure it contrasts with the historic building to provide a clear distinction between the historic building and the new extension. I am satisfied that it due to the scale of the extension and the contemporary design approach that it would not detract from its character or setting of the protected structure.

- 7.3.8. Concerns are also raised regarding the proposed external materials. The external materials comprise cedar wood cladding with cedar fins. I have no objection to the proposed external materials and consider that a high-quality contemporary design approach provides a clear distinction between the protected structure and the new extension. In addition, given the sylvan character of Violet Hill a timber clad finish is considered appropriate in this context. It is my opinion that proposed extension is in accordance with the provisions of Section 6.8.3 of Architectural Heritage Guidelines which states that the extension should complement the original structure in terms of scale, materials and detailed design, while reflecting the values of the present time.
- 7.3.9. It is noted that the third party raised concerns regarding the on-going maintenance of the proposed sedum / wildflower roof to the extension. I have no objection to the proposed roof and consider it be to a durable feature, the maintenance of which would be within the norm of ongoing up-keep for any residential unit.
- 7.3.10. Concerns are also raised by the third party that the proposed extension would negatively impact on the open character of the overall site. The overall site has an area of c. 2.4ha. It has a sylvan character with a significant number of mature trees, vegetation, formal planting and landscaped areas, with winding internal access roads / private driveways. The open character of the site is acknowledged. However, the site was previously subdivided and currently accommodates 9 no. residential units, each with their own area of private open space and separate, in two instances gated, access roads. The private open space areas associated with each of the units are subdivided by vegetation and walls. There are also areas of internal road and gravel which did not form part of the original landscape. Given the existing interventions

within the landscape and the relatively limited size of the extension, in the context of the overall site, I am satisfied that it would not have a negative impact on the open character of the site or on the character of the curtilage of the protected structure.

7.3.11. Specific concerns are also raised regarding the removal of vegetation / hedging at the site's eastern boundary and its replacement with the eastern boundary wall of the proposed extension. The area to the east of the appeal site forms part of an access road within the overall site. During my site visit on the 11th June 2024 it appeared that this area is used for informal communal car parking for the residential units within the site. The appeal sites eastern boundary comprises a section of a modern wall and a hedge. The drawings submitted by way of further information indicate that the 2.4m high modern wall would be retained. The existing wall has a c. 8m long boundary with the internal access road / gravelled car parking area. The eastern elevation of the proposed extension would replace c. 8m of hedging at the site's boundary. As noted above, the predominate external material of the extension is cedar wood. I have no objection to the use of the eastern elevation of the proposed extension as the site's boundary with the access road / gravelled car parking area. I am satisfied that the proposed extension would not negatively impact on the visual amenities of adjacent residential properties, or the character or setting of the protected structure.

7.3.12. The third party also raised concerns that the proposed extension was not in accordance with the provisions of the Bray Municipal Local Area Plan (LAP) or the development plan. Objective AH1 of the Bray LAP and Objective CPO 8.13 of the development plan aim to ensure the protection of all structures the Record of Protected Structures. Objective AH2 of the Bray LAP and Objective CPO 8.14 of the development plan are also similar in that they aim to positively consider proposals to improve, alter, extend or change the use of protected structures so as to render them viable for modern use, subject to consultation with suitably qualified Conservation Architects to ensure that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised. I am satisfied that the proposed extension is in accordance with the provisions of both the development plan and the Bray LAP.

- 7.3.13. The appellants Architectural Heritage Assessment, submitted with the appeal, considers that the proposed extension would irrevocably damage an important great house, a protected structure and a seminal building in the emergence of Arts and Crafts Architecture in Ireland. The applicant's response to the appeal included a note from the Conservation Architect which disagrees with the appellant's assessment and considers that the proposal does not irrevocably damage an important house and protected structure and considers that the proposal makes a sensitive single storey contemporary intervention into a historic setting and provides for the applicants needs and retains the legibility of the original house within the overall site context. I have considered both opinions and having carried out a site visit and having regard to the high quality, contemporary design approach, the limited scale of the extension to the side of the front elevation of the original protected structure, and the limited interventions proposed to the protected structure, which it is noted has been previously subdivided it is my opinion that the proposed extension is in accordance with the provisions of the Architectural Heritage Guidelines, the development plan and the Bray LAP and would not negatively impact on the character or setting of the protected structure.
- 7.3.14. In conclusion, it is noted that the third party raised a number of concerns regarding the potential negative impact that the proposed extension would have on the protected structure and its curtilage and that these concerns are supported by the observer. In my view the proposed extension responds well to its context and is of an appropriate scale and would not negatively impact on the character or setting of the protected structure or its curtilage. It is noted that the planning authority and prescribed bodies raised no concerns regarding any potential impact to any protected structure.

7.4. *Residential Amenity*

- 7.4.1. The third party raised concerns that the proposed extension would negatively impact on existing residential amenities of The Gallery, which is the residential unit located above Amber, in terms of undue overbearing impact, overlooking, loss of views and noise.
- 7.4.2. The proposed extension is a single storey structure with a total area of c. 57sqm. While it is acknowledged that it would be visible from the appellants property, The Gallery,

given the relatively limited size and height I am satisfied that it would not be overbearing or result in undue overshadowing.

- 7.4.3. The proposed extension includes 2 no. roof lights to serve a bathroom and hallway. The third party raised concerns that these roof lights would result in undue overlooking from The Gallery into the proposed extension. The applicant notes that the 2 no. roof lights would be permanently glazed in opaque glass to prevent undue overlooking. The proposed roof lights are located a minimum of c. 7m from the north eastern (side) elevation of the protected structure. Having regard to the separation distance, the angle of the rooflight to the windows within The Gallery and the provision of obscure glazing I am satisfied that there would be no undue overlooking of the proposed extension from The Gallery.
- 7.4.4. With regard to the concerns of a loss of views from the appellants property it is noted that there are no protected views within the grounds of Violet Hill House. While the extension would be visible from the appellant's property, I am satisfied that due to this relatively limited height and small scale that it would not impede views of the grounds of Violet Hill from any of the windows within The Gallery.
- 7.4.5. The third party also raised concerns regarding undue noise from the proposed development. The proposed extension is for a relatively small-scale extension to an existing single-family home. I am satisfied that the proposed extension would not give rise to levels of noise or nuisance that would be inappropriate in a residential context within an urban area. It is acknowledged that during the construction phase there would be some noise and nuisance, however, given the short-term and temporary nature of the works this is considered acceptable.
- 7.4.6. Concerns were also raised that the proposed development could impact on access to the upper levels and roof of The Gallery which is required for maintenance purposes. In response to the appeal the applicants note that the extension has been designed to ensure that it would not impede access to the external elevations of The Gallery. With the exception of where the extension connects to the protected structure, it is generally located a minimum of 2.8m from the protected structure. Therefore, I am satisfied that there is sufficient space to allow for access to the upper levels for maintenance purposes. It is also noted that the proposed extension would have no impact on access to the northern or southern elevation of The Gallery.

7.4.7. Overall, while it is acknowledged that that the extension would be visible from The Gallery I am satisfied that it would not negatively impact on the existing residential or visual amenities of adjacent residents.

7.4.8. *Tree Preservation Order*

7.4.9. There are a number of mature trees on the site which are subject to a Tree Preservation Order. Concerns are raised by the third party that the proposed development would negatively impact on a Tree Preservation Order. In response to the appeal the applicant notes that the impact on the root protection zone (RPZ) of preserved trees was addressed by way of further information and that the revised proposal would not impact on the RPZ. A Tree Survey and Planning Report was submitted by way of further information which notes that some light branch reduction pruning would be undertaken to facilitate the development. The report also outlines tree protection measures to be undertaken during the construction phase. From the information submitted I am satisfied that the proposed extension would not negatively impact on the Tree Preservation Order. It is noted that the planning authority attached a condition requiring that an arborist be engaged to oversee and direct tree protection works on site and that no works be undertaken within the root protection zone prior to the implementation of tree protection measures. It is my recommendation that a condition be attached to any grant of permission.

7.4.10. The appellant also notes that 2 no. trees have already been felled within site. This concern is noted however, it is outside of the remit of this application.

7.4.11. *Other Issues*

7.4.12. The third party also notes that there is a concurrent application (ABP. 317559-23) for a retention of 2 no. sheds and a chicken coop. The location of the chicken coop which conflicts with the location of the proposed extension. In response the appeal the applicant clarified that if permission is granted the chicken coop would be removed. It is noted that the chicken coop is light weight and moveable. I am satisfied that there is no conflict between the 2 no. applications.

7.4.13. Concerns are raised regarding errors and omissions in the applicant's documentation and the reports of the planning authority. I am satisfied that the information submitted

by the applicant allows for a full and comprehensive assessment of the proposed development. I am also satisfied that any errors or omissions in the planning authority's report are minor in nature and that a full and comprehensive assessment was carried out by the planning authority.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The appeal site is not located in or immediately adjacent to a designed site. It is located c. 1.5km south of Ballyman Glen SAC (000713), c. 2.5km east of Knocksink Wood SAC (000725) and c. 2.7km west of Bray Head SAC (000714).
- 8.3. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises a 57sqm single storey extension to a protected structure. The site is serviced by public water supply and foul drainage networks. The development site is located in an urban environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.
- 8.4. No concerns were raised in the appeal regarding the impact of the proposed development on any designated site.
- 8.5. Having considered the nature, scale and location of the development to be retained, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is due to the small scale and nature of the works, the separation distance between the appeal site and the nearest designated sites and the lack of a hydrological connection. It is noted that the planning authority were satisfied that the development is unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of any designated sites.
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 8.7. Likely significant effects are excluded and, therefore Appropriate Assessment, (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

9.0 Recommendation

It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018-2024, the location of the proposed development within the settlement boundary of Bray on zoned 'Existing Residential' lands, the relatively small scale nature of the proposal in the context of the appeal site and overall protected structure and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect the protected structure, would not seriously injure the amenities of the area or of property in the vicinity and would not negatively impact on the natural heritage of the area. The proposed development 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 received by the planning authority on the 25th May 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 interest of clarity.

2. Prior to commencement of development, the applicant shall appoint a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

All works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. Excavations in preparation for foundations and drainage shall be carried out under the supervision of an arborist or other suitably qualified professional. No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the trees are not damaged or otherwise adversely affected

4. The 2 no. roof lights shall be permanently glazing with opaque or frosted glass.

Reason: In the interest of residential amenity.

5. The existing residential unit ‘Amber’ and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

6. A schedule of all external finishes to be used shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Site development and building works shall be carried out only between the hours of 0700 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. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

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

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.

Elaine Power

Senior Planning Inspector

17th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 317733-23		
Proposed Development Summary	Construction of extension to a protected structure and all associated works		
Development Address	Amber, Violet Hill House, Violet Hill, Herbert Road, Bray, Co. Wicklow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	Conclusion
			No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____