



An
Bord
Pleanála

Inspector's Report

ABP-317875-23

Development	Point of detail in relation to condition no. 3 of Reg Ref no. PL06D.242963
Location	8 Ardenza Terrace, Seapoint Avenue, Blackrock, Co Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D13A/0583
Type of Appeal	First Party Appeal against condition (point of detail)
Date of Site Inspection	21 June 2024
Inspector	Gillian Kane

1.0 Background

- 1.1.1. This is a first party appeal against a condition which was attached to the Boards decision under PL06D.242963. The condition required that the developer should submit to and agree in writing with the Planning Authority, proposals for the external finishes to an element of the overall development.

2.0 Planning Authority Decision

- 2.1.1. **PL06D.242963** In seeking permission for a development comprising works to a Protected Structure, the Board issued a split decision, of relevance to the subject appeal is condition no. 3 which states
3. The developer shall submit to, and agree in writing with, the planning authority proposals for the external finishes to the single storey garage. Reason: In the interest of clarity, visual amenity and architectural heritage protection.
- 2.1.2. The reasons and considerations for the grant states: Having regard to the nature and scale of the proposed works and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not adversely impact on the character, setting or historic fabric of the protected structure on the site, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

3.0 Relevant Legislation

- 3.1. **Planning and Development Act 2000, as amended**
- 3.1.1. **Section34(5) provides:** The conditions under subsection (1) may provide that points of detail relating to a grant of permission be agreed between the planning authority and the person carrying out the development and, accordingly:
- (a) where for that purpose that person has submitted to the planning authority concerned such points of detail, then that authority shall, within 8 weeks of those points being so submitted, or such longer period as may be agreed between them in writing, either:

(i) reach agreement with that person on those points, or
(ii) where that authority and that person cannot so agree on those points, that authority may—
(I) advise that person accordingly in writing, or
(II) refer the matter to the Board for its determination,
and, where clause (I) applies, that person may, within 4 weeks of being so advised, refer the matter to the Board for its determination,
or
(b) where none of the events referred to in subparagraph (i) or in clause (I) or (II) of subparagraph (ii) occur within those 8 weeks or such longer period as may have been so agreed, then that authority shall be deemed to have agreed to the points of detail as so submitted.

4.0 The Appeal

4.1. Grounds of Appeal

- 8 Ardenza Terrace is a protected structure and the house was carefully reinstated from a semi-derelict condition.
- A contemporary extension and garage constructed to the rear, complement the setting.
- Works included careful reinstatement of the original gates to Seapoint Avenue.
- Garage door should be included as part of the contemporary sedum roofed building, which is isolated and a considerable distance from the main house.
- Its neutral colour provides a background for the vehicle gates and paving.
- Dun Laoghaire Rathdown decision is unreasonable and Board is asked to allow the garage door to remain in position.

4.1.1. The appeal submission includes a copy of the Chief Executives Order, and the Conservation Report.

4.2. Planning Authority Response

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

5.0 Assessment

- 5.1.1. As noted above, condition no. 3 of the Boards decision to grant permission for a development that included a single storey garage to the rear of a Protected Structure, required that the applicant should submit to and agree in writing the external finishes of the garage.
- 5.1.2. On the 6th August 2014, the applicant submitted to the Planning Authority details of documentation “*detailing a proposed green roof solution to the external finish of the garage roof*”. The applicant stated that “*the external walls will be finished in sand and cement, napped and lined as per the rear façade of the main house. The entrance door will be a white PVC horizontal roller type garage door....*”
- 5.1.3. The report following the submission, states that the CO carried out a site inspection on the 21st April 2015 and stated that the PVC horizontal roller type garage door she saw, was not appropriate. Her recommendation to deem the submission not in compliance was accepted by the Planner.
- 5.1.4. The submission the subject of this appeal seeking compliance with condition no. 3 was lodged with the Planning Authority on the 20th July 2023. The submission included photographic evidence of the green roof and of the garage door. The submission notes that there is insufficient depth within the forecourt or the garage to provide a traditional hinged door arrangement. The submission states that ‘the modern aesthetic intervention is preferable to a pastiche alternative’.
- 5.1.5. An email from the Conservation Officer, dated 02 Aug 2023 with photos, states that the garage door is an off-white PVC finished roller door. The email notes that the Conservation Officers report for compliance with condition no. 2 of the same application stated that “this type of garage door is not appropriate for a domestic garage located within the curtilage of a Protected Structure”. The CO states that the submission is not in compliance and that the applicant is requested to submit revised materials. The CO notes that it is possible to get a garage door finish that looks like wood / timber.
- 5.1.6. The Chief Executives Order, dated 08/08/2023 recommends that “the compliance condition is not approved”. The order contains details of a compliance report wherein it is noted that a conservation report was received stating that the applicants

response is not considered by the Conservation Officer to be satisfactory to comply with the requirements of condition no. 3.

- 5.1.7. The appellant has sought the Board to make a determination that the external finishes of the permitted garage are acceptable and therefore in compliance with condition no. 3 of the Boards decision.
- 5.1.8. I note that in assessing the proposed garage under PL06D.242963, the Senior Planning Inspector stated "*The garage is relatively simple in design, it is a domestic garage and its design, scale and external finishes reflect this, I do not consider that it provides a visual disamenity as such. It reads as a modern insertion within the curtilage of the protected structure,...*" I am minded to agree. The existing single storey garage with green roof is explicitly a contemporary insertion into the building record of the protected structure curtilage. It does not compete with either the rear elevation of the main structure or the reinstated original gates. The white / neutral façade allows the coloured gates to be the dominant visual element. I consider the submission to be in compliance with the requirements of condition no. 3.

6.0 Recommendation

Whereas by order dated 26th day of May 2014, An Bord Pleanála under reference PL06D.242963 granted subject to conditions permission for a single storey kitchen extension to the rear of the dwelling, single storey garage to the rear, modifications to the gates and ope in the rear wall accessing Seapont Avenue, and grant retention permission for damp proofing works, new sash window to the front façade at lower ground level, double doors to the existing ope in the rear façade at lower ground level, 3.6 metre ope to the internal spine wall and a new partition layout to accommodate a bathroom, plant and internal lobby at lower ground floor level, a new bathroom layout in the return, en-suite bathrooms at first and second floor levels, 1.2 metre wide ope in the spine wall at first floor level, internal insulation to the front, side and rear walls at ground, first and second floor levels, miscellaneous retention works including repairs and reinstatement of plasterwork and sash windows and repairs to the return building slated roof in accordance with the said plans and particulars based on the reasons and considerations marked under and subject to the conditions set out in that order

AND WHEREAS condition no. 3 of that grant of permission stated:

3. The developer shall submit to, and agree in writing with, the planning authority proposals for the external finishes to the single storey garage.
Reason: In the interest of clarity, visual amenity and architectural heritage protection.

AND WHEREAS the developer and the Planning Authority failed to agree on the details of the external finishes to the single storey garage in compliance with the terms of condition no. 3

AND WHEREAS the matter was by an agent of the Applicant to An Bord Pleanála on the 17th day of August 2023 for determination

NOW THEREFORE An Bord Pleanála in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the submission is in compliance with condition with condition no. 3 of PL06D.242963

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.

Gillian Kane
Senior Planning Inspector

24 June 2024