

**Burnaby Residents Association**

C/O Clashleigh

Erskine Avenue

The Burnaby

Greystones

Co. Wicklow

A 63 W973

An Bord Pleanála

64 Marlborough Street

Dublin 1

D01 V902

28 January 2022

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>048636-22</u>
ABP-	
03 FEB 2022 o.k	
Fee: €	<u>220</u> Type: <u>PMO</u>
Time: <u>16.43</u>	By: <u>hand</u>

Application for Declaration under Section 5 of the Planning and Development Act 2000 (as amended)

Wicklow County Council – Reference EX 68/2021

Dear Sirs,

The Burnaby Residents Association wishes to seek a Section 5 Declaration from An Bord Pleanála in relation to the above matter. The basis of this request is fully set out below.

**The Burnaby Estate ACA**

The Burnaby Residents Association was established to protect and preserve the built fabric and cultural heritage of the Burnaby Estate in Greystones. The Burnaby Estate is an historic place of national significance and its particular character and heritage attributes have been reflected in its designation as an Architectural Conservation Area (ACA) in the Greystones/Kilcoole LAP and the Wicklow County Development Plan.



The Burnaby Residents Association recently commissioned a Report by 7L Architects, a Grade 1 RIAI Conservation Practice into the Burnaby ACA to make some recommendations on the status and protection of the ACA in local planning policies. A copy of Report is appended to this correspondence.

On page 36 of the Report, there is a picture (Figure 35) of the service lane which runs between Portland Road and Whitshed Road and which services the houses on Somerby Road and Burnaby Road – this service lane is formally known as Stable Lane. There is also commentary in the Report indicating that service lanes should be maintained to the extent that their semi-rural character is preserved. As such Stable Lane (and other service lanes throughout the Estate) forms an important part of the essential character of the Burnaby Estate as protected by the ACA.

### **Planning history**

Between 2018 and 2021 some residents of a mews house at the rear of Burnaby Road (the Mews, Rear of Beachview Court) decided to use Stable Lane as a place to park their vehicles for prolonged periods, through the day and over night up to 24 hours a day and 7 days a week. While this raises legal issues concerning the obstruction of a right of way, which will be dealt with elsewhere, we are legally advised that it also raises a planning issue as it constitutes a de facto material change of use of the service lane from a thoroughfare to a new use for residential car parking, which is not a use that has been sanctioned by any planning permission or by an established use.

The use of the service lane for residential parking has not been sanctioned by any planning permission or parking scheme – in fact planning for development at the Mews was originally refused because of the risk of parking overspill and was only granted when commitment were given that no overspill would occur (see below). If the use of the lane for parking was intended, we are legally advised that this would require a specific planning application to secure a material change of use. Nor was there an established use for prolonged and overnight car parking on the service lane.

The practice giving rise to this request for a declaration involves the obstruction of the Stable Lane typically by two cars parked in the Lane outside the Mews, but on occasion up to 4 cars, again indicating that the occupiers of the residence regard the lane as a place that they can park at will. This practice has been ongoing since 2018 and has occurred on a sustained basis.

The planning history for the residence with which the parking is associated is directly relevant here. In 2014 Wicklow County Council refused permission (138897) for development of the Mews concerned on the basis that it was considered that the proposed development would lead to an overspill of parking onto the existing laneway and would detract from the





character of the ACA. The planners report in that application referenced the obstruction to the passage on the lane as a potential issue should planning permission be granted.

A subsequent decision (141163) to grant permission was only made once the then applicants agreed not to park in the lane, sending the Council copies of their residents parking permits and amended drawings to provide for car parking within the curtilage of the development.

Following the grant of the permission, the then owners did not park in the Lane habitually and either parked on the premises, or in designated residents parking permit areas on adjoining roads.

However the Mews was sold in 2016 to new owners and from 2018 onwards there was prolonged and sustained parking by these new owners and their guests on the lane with an obstruction for 24 hours a day, 7 days a week for 52 weeks a year. Essentially the problems identified by the Wicklow County Council Planners in 2014 had come to pass and the development did lead to an overspill of parking on the lane, which has obstructed the passage of the lane and detracts from the character of the ACA.

#### **Affidavits as to use**

As the 2014 Planning decision by Wicklow County Council suggests, there was no established use of the Stable Lane for parking associated with the house.

This is further confirmed by a sworn affidavit from Muriel Taylor, Portland House, whose family has had a direct association with the Stable Lane since her house was constructed in 1899. Ms Taylor's affidavit sets out that there was no pre 1964 established use of the Lane for parking and she is in a unique position to know this given that the only vehicular entrance to her family house is directly off the service lane.

I also attach a sworn affidavit from Peter Murtagh setting out the recent advent of parking on the lane and confirming that it has commenced since 2018. A supplemental affidavit from Mr Murtagh gives a detailed account of the parking pattern over a specific 3 day period in October 2021 with a averment that the pattern observed over that period was reflective of the normal pattern between 2018 to date. The supplemental affidavit also exhibits photographs to demonstrate the use and obstruction involved.

#### **Engagement with Wicklow County Council**

The Residents Association and individual residents initially requested Wicklow County Council to undertake enforcement action against the occupiers of the Mews in light of the planning history of the property and in particular the refusal in 2014 and the basis for the subsequent grant later that year. However, the Council persistently declined to take enforcement proceedings.

The Residents Association then sought a Section 5 Declaration from the Council to the effect that the use of the service lane for sustained and prolonged parking (*parking overnight*,



*during the day and at weekends for a period of upwards of 3 years)* constituted a material change of use and was not an exempted development. This section 5 Declaration request was supported by sworn affidavits as to the use of the lane and references to the relevant planning history.

On 4 January 2022, Wicklow County Council advised that the Planning Authority considered there to be a lack of definitive evidence and information available to enable the Planning Authority to make a decision on a declaration and inviting the Residents Association to take the matter to An Bord Pleanala, hence this request. We find this refusal extraordinary in light of the sworn evidence submitted to Wicklow County Council with the Section 5 Declaration. As the affidavit of Muriel Taylor avers, there has been no history or practice of parking (overnight, during the day and at weekends) or obstruction of the lane since her family first resided in the area in the 1890s – she should know given that the only vehicular access to her house is directly off the lane. The affidavit of Peter Murtagh also makes it clear that since his period of occupancy of his house abutting the mews (over 27 years) the pattern of usage of the service lane did not involve overnight/ day long and prolonged car parking on the lane.

The failure of Wicklow County Council to address the issues arising from this matter, whether by way of planning enforcement or through issuing a Section 5 Declaration represents an abdication of their statutory responsibility, particularly given that the practices involved have adversely affected the character of an Architectural Conservation Area of national significance and so adversely impacted on residential amenity. The precedent set by the Council's indifference and nonchalance is deeply alarming and suggests that any person within the Burnaby ACA or elsewhere within the County can effectively convert a service lane to their own use for residential car parking without any need for planning consent. This makes a complete mockery of any system of planning control, particularly when the previous planning decisions of Wicklow County Council concerning the impact of parking on the lane are taken into account.

### **Declaration sought.**

In light of the failure of Wicklow County Council to deal with the matter under Section 5, we request An Bord Pleanala to issue a declaration that the use of the lane for car parking on a sustained and prolonged basis (as evidenced by the affidavits of Peter Murtagh and Muriel Taylor) associated to the occupancy/ownership of an adjacent house (or otherwise) constitutes a material change of use of the land concerned and as such constitutes development within the meaning of Section 3 (1) and (2) (b) (iii) of the Planning and



Development Act 2000 (as amended). We are seeking a Section 5 Declaration that such use constitutes "Development".

In support of this application we enclose the following;

1. A completed Application Form seeking the Declaration.
2. A letter from Wicklow County Council dated 4 January (EX68/2021) confirming that they are not in a position to make the decision in relation to the Section 5 application.
3. An affidavit from Muriel Taylor as to use.
4. Two affidavits from Peter Murtagh as to use.
5. A copy of the conservation study on the Burnaby Estate by 7L Architects.
6. A map indicating the location of the Service Lane and the area where the parking has been occurring.
7. A cheque for €220.00.

Yours sincerely



Liam Sweeney

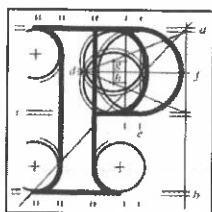
Chairperson

Burnaby Residents Association

[lsweeney114@gmail.com](mailto:lsweeney114@gmail.com)

085 1280859





An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Burnaby Residents Association

(b) Address

C/O Clashleigh, Erskine Avenue, Greystones, Co  
Wicklow, A63 W973

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Click or tap here to enter text.





## Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

☒

The agent at the address in  
Part 2

☐

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

Wicklow County Council

**(b) Planning authority register reference number**

(for example: 18/0123)

EX 68/2021

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Lane known as Stable Lane, at the rear of Burnaby Park & Somerby Road and running between Portland Road and Whitshed Road, located within the Burnaby Architectural Conservation Area.







## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

This is an application for a Declaration in accordance with Section 5 of the Planning and Development Act 2000 regarding whether the use of the service lane formally known as Stable Lane concerned for car parking on a sustained and prolonged basis associated with the occupancy/ownership of The Mews, Beachview Court constitutes development requiring planning permission or if it is exempted development. The full details of the application are set out on the attached letter.



## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.





## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.







# Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol  
Planning Development and Environment

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

4<sup>th</sup> January 2022.

Liam Sweeney,  
Burnaby Residents Association,  
Clashleigh  
Erskine Avenue  
Greystones,  
Co Wicklow.

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 ( as amended) – EX 68/2021 – Used of Service Lane for carparking.

A Chara,

I refer to Section 5 application made on the 16<sup>th</sup> November 2021 regarding the use of the service lane for car parking on a sustained and prolonged basis associated with the occupancy/ownership of The Mews, Beachview Court and whether same is exempt or not.

The Planning Authority considers that there is a lack of definitive evidence and information available to the Planning Authority to enable it to make a decision in relation to this matter and as such are not in a position to issue a Declaration as requested by you.

I would refer you to Section 55 (3) (b) of the Planning & Development Act 2000 ( as amended) which states "in the event that no declaration is issued by the Planning Authority, any person who made a request under subsection (1) may, on payment to the Board ( An Bord Pleanála) of such a fee as may be described, refer the question for decision to the Board within 4 weeks of the date that a Declaration was due to be issued under subsection (2).

I would advise that in this regard the decision due date on this application (EX 68/2021) is the 11<sup>th</sup> January 2022.

Mise le meas

STAFF OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT.

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.  
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.  
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





## Affidavit

### Affidavit of Muriel Taylor

1. I am Muriel Taylor and I make this affidavit from facts within my own knowledge.
2. I am the resident of Portland House, a detached property on Burnaby Road. Portland House has been in my family since it was built in 1899 and was bought directly from Elizabeth Alice Frances Main (nee Hawkins-Whitshed), the former Mrs Burnaby, matriarch of The Burnaby Estate, on whose instructions the group of homes now known collectively as The Burnaby was built. My family has had an unbroken association with this house since it was built and I have personal knowledge of the House and the use of the Service Lane attached to the house since before 1963.
3. My home backs onto the Service Lane connecting Portland Road and Whitshed Road. After my home was built and for much of the 20th century, the Service Lane was known as Stable Lane, suggesting, perhaps, the access and egress purposes for which it was used for much of its earlier existence.
4. My immediate family, that is my parents and I, have lived in Portland House since 1994. Prior to that, my great aunt, Olive Bewley, lived in the house. Olive Bewley left the house to her niece, my mother Patricia Strong, and so it became, in turn, home to me and my direct family. Through my association of the house, both in my own ownership and that of my relatives I have first hand knowledge of the use of the Service Lane for many decades and in particular am aware of the use of the Lane before 1963.
5. My home does not have direct vehicular access onto either Burnaby Road or Portland Road. Rather, the Lane provides for all my vehicular



access and egress needs, as well as all vehicular delivery and removal needs relating to the property. The lane, therefore, is of exceptional importance to me and to my property which is why I have such clear knowledge of the use and purpose of the Lane during my own direct ownership, but also during my relatives tenure in the house from 1899.

6. Since 2018, there has been persistent parking directly on the Lane, at all times of the day and night, by people living in, or visiting, the property known as The Mews, Beechview Court, Burnaby Road, which fronts onto the Service Lane. As a consequence my use of the Lane has been severely curtailed. Over this period, for most of every day and night, there has not been free movement up and down the Lane because it has been blocked by vehicles connected to The Mew who are effectively using the lane as an overspill parking space for their house.
7. It is notable that a planning application to develop the Mews was expressly refused in 2014 due to concerns by the Planning Authority that the lane would be used for such a purpose. Planning permission was only granted when the then owners agreed to park within the curtilage of the house or to use residents parking permits on adjoining roads.
8. The original occupant of the Mews house, a Mr Jackson, always kept his car parked inside the boundary of the property, off the lane and therefore causing no problems for anyone else. However the subsequent occupants decided to use the Lane as a parking space for their house, despite there being no planning permission for such a purpose
9. At no time during my family's long association with Portland House, and my own residing in Portland House and up until 2018, was the Service Lane used for car parking. It has always been what it is -- a lane with free passage servicing the properties backing onto it, one of which is my home. In fact my home is more dependent on free passage of the lane as the only entrance to my house is off the lane.





10. The use of the lane for parking has also detracted from the character of the Burnaby ACA and reduced the residential amenity of adjoining houses.

11. I say and am advised that this activity amounts to a material change of use of the service lane and constituted "development" as defined by Section 3 of the Planning and Development Act 2000. In addition I say that the use of the land has materially changed by reference to Section 3 (2) (b) (iii) of the Act.

Sworn before me a Practising Solicitor  
by Muriel Taylor, who is personally  
known to me in the County of Wicklow  
this the 28th day of January 2022

Muriel Taylor.

Muriel Taylor

Garrett Fennell

Garrett Fennell Practising Solicitor



## Affidavit

### Affidavit of Peter Murtagh

1. I am Peter Murtagh and I make this affidavit from facts within my own knowledge.
2. I have resided with my family at Penharbour, Somerby Road, Greystones, A63 AC64 on an uninterrupted basis since 1994.
3. The property includes use of a narrow Service Lane, access to which is obtained from the rear of all properties fronting onto Burnaby Road and Somerby Road, which lane runs parallel to those roads and between Portland Road and Whitshed Road. All of these roads and lanes are located within the Burnaby ACA.
4. The Service Lane facilitates deliveries to, and removals from, each of the properties that back onto it. Such deliveries and removals include on a regular basis, but are not confined to, fuel, waste bin collections, and garden waste removal.
5. Throughout my ownership and occupancy of my family home in 1994 the Service Lane has been used for its intended purpose – as a rear lane to provide services to the houses on Burnaby Road and Somerby Road. Any obstruction or blockage of the lane was temporary to facilitate off loading a car, the collection or rubbish, delivery of fuel and garden waste. In most cases any such obstruction lasted momentarily and certainly no longer than 20 or 30 minutes. In most cases, it was possible for the service lane to be used for its intended purpose without obstructing it.
6. In 2014 a planning application was made to convert a mews on the lane into residential use. The first planning application (138897) was refused by Wicklow County Council on the basis that it was considered the



proposed development would lead to an overspill of parking onto the existing laneway and would detract from the character of the ACA. The planners report in that application referenced the obstruction to the passage on the lane. A second planning application was made in 2014 (141163) and this was granted by Wicklow County Council on the assurance of the applicants that they would either park in the premises in an area submitted on revised plans, or else through using residents parking permits. This house (The Mews, Beechview Court, Burnaby Road) was subsequently constructed and the owners at that time did not park in the lane for extended periods or obstruct the lane.

7. However following the sale of the house to new owners in 2016, problems started to emerge from 2018 onwards, when they effectively changed the use of the lane from a service lane into a parking space outside their property. The lane is now almost continuously blocked as they have appropriated its use as a de facto parking lot and changed its use from a service lane.
8. On a daily basis for most of the past three years, at least one vehicle, at times several and on occasion up to four vehicles, have been parked in the lane by persons connected to the Mews property.
9. In effect, the lane has been commandeered as a parking space in relation to the said property, a use for which the lane was never, at any stage since its construction in c1900, intended or used. In this regard I refer to the Affidavit of Muriel Taylor, whose family have a direct association with her property since it was constructed in 1890.
10. The use of the lane for parking has disrupted all other vehicular activity in the lane and deprived residents of a long-established right to use the lane unfettered. Since 2018, all normal residential use of the Service Lane has been disrupted as a result of what has effectively been a change of use from access lane to parking space relating to one property, The Mews, Beechview Court, Burnaby Road.





11. The use of the lane for parking has also detracted from the character of the Burnaby ACA and reduced the residential amenity of adjoining houses.

12. While the Mews has recently changed ownership I am concerned that the previous occupants will have sought to create an established change of use by their unlawful parking practice on the lane with the appropriate planning consent to justify such use.

13. I say and am advised that this activity amounts to a material change of use of the service lane and constituted "development" as defined by Section 3 of the Planning and Development Act 2000. In addition I say that the use of the land has materially changed by reference to Section 3 (2) (b) (iii) of the Act.

Sworn before me a Practising Solicitor by  
Peter Murtagh who is personally known  
to me in the County of Wicklow this the  
th day of January 2022

  
Peter Murtagh

  
Garrett Fennell Practising Solicitor





## Affidavit

### Supplemental Affidavit of Peter Murtagh

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1. I am Peter Murtagh and I make this supplemental affidavit from facts within my own knowledge.
2. In the context of providing information to An Bord Pleanala concerning the recent use of the Service Lane serving houses on Burnaby Road and Somerby for parking associated with a mews house (the mews house) abutting the lane, I have taken some photographs to illustrate the issue. These photographs were taken over a period of 3 days in October 2021 and are illustrative of a parking practice on the lane since 2018. These photographs with details of the time at which they were attached appear at Exhibit A of this Affidavit, to which I have signed my name prior to the swearing of this affidavit.
3. It should be noted that the photographs attached as Exhibit A are not presented as a comprehensive record of the problem and are merely illustrative of it on the 3 days in question. However both I and other residents can attest that car parking on the lane associated with the mews house abutting the lane has been happening *all* hours of the day and night, including overnight since 2018.
4. The following was observed, as per the photographs:

**Wednesday, October 6th**



10.17am: 171-D-5811, a dark coloured BMW 4-wheel drive vehicle, believed registered to one or other of the mews occupants, parked on the lane blocking it from use by all other vehicles.

15.47: 171-D-5811 still parked on lane, blocking it.

15.50: 171-D-5811 still parked on lane, blocking it and forcing a fuel delivery truck to reverse down lane in order to deliver fuel to a neighbouring property. A second vehicle, 10-D-130379, was also parked on the lane outside the mews.

#### **Thursday, October 7th:**

08.08am: 171-D-5811 blocking lane, apparently *in situ* overnight as was usually the case.

11.23am: 152-D-26645, a dark coloured BMW saloon vehicle, believed registered to a member of the family owning the mews house was blocking the lane by using the lane as a car parking space.

13.20: 152-D-26645 still blocking the lane.

#### **Friday, October 8th:**

08.55am: 171-D-5811 blocking lane, apparently *in situ* overnight.

10.57am: 171-D-5811 blocking lane. Vehicle 10-D-130379 also now blocking lane.



13.01: 171-D-5815 still blocking lane.

17.42: 171-D-5811 exited lane but returned within one hour, resumed parking thereby blocking lane.

5. At no stage in the past three years have the occupants, used the parking spaces, designated on the property's planning permission. Instead, they have parked on the lane, blocking it for all other users. People visiting the mews house have also casually left their vehicles on the lane for the duration of their visit.

6. By doing this, the occupiers have effectively changed the use of the laneway immediately outside their property into a car parking space rather than an open lane connecting Whitshed Road from Portland Road and servicing all the houses on Burnaby Road and Somerby Road. In so doing, they have prevented all other users from having free access to the laneway, to the rear of their properties and free passage through the laneway.

7. They have changed the use and nature of the Service Lane in a way that has negatively impacted on residential amenity, and adversely impacted on the character of a special feature of the Burnaby ACA. The use of the Lane as a parking space for the property has also impeded fuel delivery trucks, refuse vehicles and on at least one occasion involving my family, the passage of an ambulance on an emergency journey.

8. The established use of the lane is as a service lane, not a parking lot or parking space. The attempt to convert a significant part of the Service Lane outside the mews house into a car parking space is an entirely new approach to usage of the lane, since it was laid out in c1900, and constitutes, in my view, a change of use for which planning permission needs to be sought. While there may have been a change of

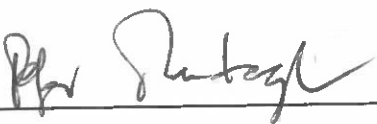


ownership of the Mews recently the practice of parking on the lane since 2018 creates a precedent which could be invoked by any other person seeking to convert the lane for a parking use outside their adjacent property.

9. I say, therefore, and am professionally advised that this activity amounts to a material change of use of the service lane and constitutes "development" as defined by Section 3 of the Planning and Development Act 2000. In addition I say that the use of the land has materially changed by reference to Section 3 (2) (b) (iii) of the Act.

10. I ask that the Bord to issue a declaration confirming that the usage of the Service Lane for private parking associated with the mews house (or any other property) is a change of use for which planning consent must be sought.

Sworn before me a Practising Solicitor by  
Peter Murtagh who is personally known  
to me in the County of Wicklow this the  
th day of January 2022

  
Peter Murtagh

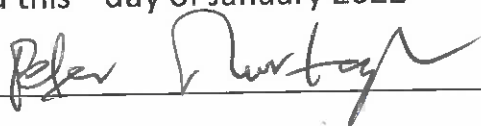
  
Garrett Fennell Practising Solicitor



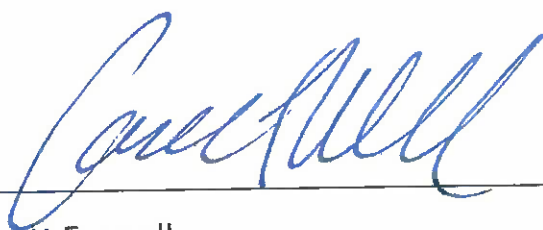


Exhibit A to supplemental Affidavit of Peter Murtagh

Signed this    day of January 2022



Peter Murtagh



Garrett Fennell

Practising Solicitor



# THE BURNABY

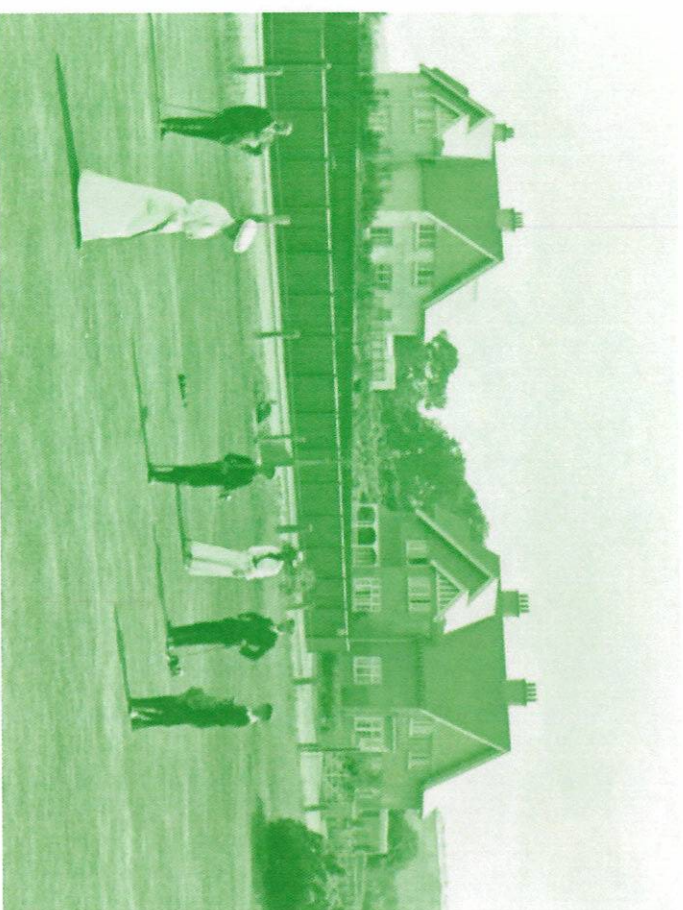
GREYSTONES, CO WICKLOW

SUBMISSION ON DRAFT LOCAL AREA PLAN  
& ARCHITECTURAL CONSERVATION AREA

MARCH 2020



30 Wicklow Street, Dublin 2 D02 Y037  
086 875 1147 : 01 524 0527  
[www.7larchitects.ie](http://www.7larchitects.ie)









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# 1.0 EXECUTIVE SUMMARY

## 1.1 PREAMBLE

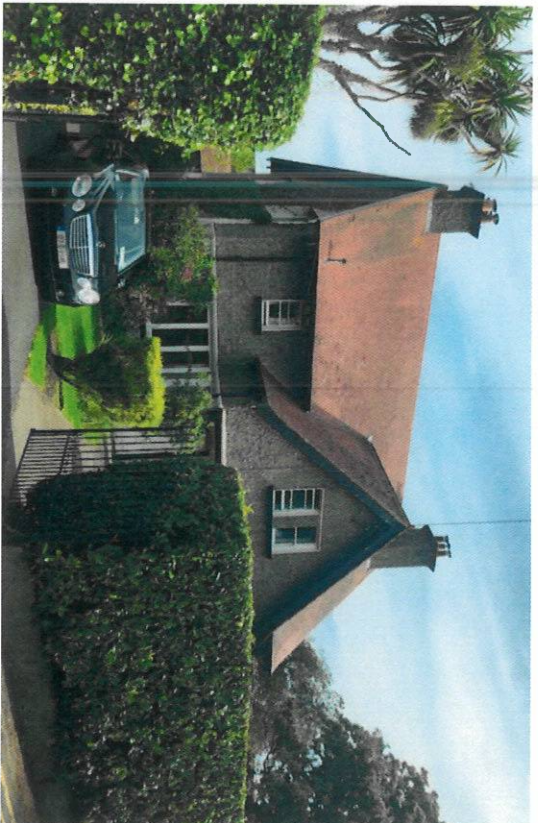
This submission for The Burnaby was commissioned by The Burnaby Residents Association. The purpose of the report is to assess the current Local Area Plan for Greystones and The Burnaby Architectural Conservation Area, and make recommendations on how aspects of local planning policy for the estate and management of the public realm could be improved to ensure that its historic character continues to be preserved. Prepared by Fergal Mc Namara, RIAI Grade 1 Conservation Architect; the report includes – an overview of the built and cultural heritage of the estate; a statement of character; together with recommendations for additions and amendments to the draft LAP and ACA as part of the public consultation.

Location	Greystones, Co Wicklow
Grid Coordinates	729673, 711982
Local Authority	Wicklow County Council
Zoning	R10
Statutory Protection	Architectural Conservation Area RPS ref: 08-22; 23; 25; 28
Rating	Regional, National
Special Interest	Architectural, Historical, Social
Principal Dimensions	37.5 Ha
Inspection Dates	August & September 2019
Prepared by	Fergal Mc Namara MRIAI
Report Issued	January 2020

## 1.2 THE BURNABY

- Up to the latter half of the nineteenth century, Greystones was a small fishing hamlet set along a headland of rocky crags from which it derived its name.
- In 1855, Greystones railway station was opened on the Dublin, Wicklow & Wexford Railway, making the village more accessible to Dublin city.
- Prompted by this opportunity, the La Touche family, transformed Greystones into a substantial town over the following decades.
- The Hawkins-Whitshed estate immediately to the south of the station remained undeveloped until the 1890s, when Elizabeth Hawkins-Whitshed commenced the development of a new housing estate soon after the death of her first husband, Frederick Burnaby. It consists of semi-detached and detached dwellings on large plots, following a masterplan devised by architect James Rawson Carroll.
- Houses are designed in the Domestic Revival or Arts & Crafts styles, and vary in size and type. Their mature, landscaped gardens and the quality of the public realm makes for a very appealing residential area.
- Together, these houses became known as The Burnaby, many of which have survived into the present and are now given statutory protection as an Architectural Conservation Area.
- The Burnaby is an early example of a 'garden suburb' of townscape interest and a repository of fine domestic architecture from the turn of the twentieth century. It is of national cultural heritage interest.





Figs 1 & 2: (A) House on Portland Place (B) Kilcoursey Lodge on Pavilion Road.



Figs. 3 & 4 (A) The Tunnel on St Vincent Road. (B) Lismara on Kinlen Road.







### 1.3 RECOMMENDATIONS

- The Burnaby ACA was included on the Greystones - Delgany LAP 2006-2012, and in the updated 2013-2019 plan. While acknowledging the national significance of the estate it lacks sufficient detail and guidance in order to ensure it is effective in ensuring its conservation.
- Houses undergoing refurbishment and extension in recent years demonstrate the losses to historic fabric and character that can occur from incremental change, evidence that the ACA designation needs to be more rigorously enforced.
- This gradual loss of historic character means that their cultural heritage interest, and that of the Burnaby Estate, has been diminished. Building regulations allow for alternative approaches to upgrading historic dwellings so that special interest is preserved.
- The gradual infilling of plots and subdivision has already added 50% to the existing housing stock since 1915, thereby diminishing its historic character. Continued subdivision will gradually erode the special interest of the estate.
- Recent road schemes within the estate - road signage; parking meters; line marking; traffic calming; have resulted in loss of historic fabric and character. Where found, original granite and concrete kerbs should be retained in situ, and repaired where necessary.
- The local authority should ensure that where mature trees are lost, they are replaced with semi-mature trees, protected from damage.
- The Burnaby is a historic place of national significance, as an early and intact example of a housing estate; a form of settlement that led the transformation of towns and cities in Ireland.
- Of most concern, is the possibility that the new housing density and building height guidelines means that future proposals will seek to develop sites at The Burnaby for apartments as is happening in mature suburban areas closer to Dublin city.
- Wicklow County Council should require that all planning applications and public works proposals within the ACA include an Architectural Heritage Impact Assessment, and where appropriate, the services of a RIAI-accredited conservation architect should be sought to oversee the design and its implementation.
- A full inventory of the built and landscape heritage should be prepared for the estate, including a photographic survey, which will provide a baseline for making assessments for future works.
- Extensions to houses should be sympathetic to the form and massing of the original dwelling and its relationship to its garden and neighbouring properties.
- Dwellings included in the NIAH survey for Co Wicklow should be considered for inclusion on the Record of Protected Structures as is the practice elsewhere.
- It is submitted that including an objective for increased density on the Burnaby Estate conflicts with the ACA designation. If continued into the next LAP, there is a risk that the historic character of the Burnaby will be irretrievably lost or obscured.
- We would submit that should the current R10 zoning objective for the Burnaby fail to preserve the historic character of the estate; R5, R2.5 or RE zonings should be considered in order to - *reflect the prevailing density and character of the estate.*
- The principal risks to the Burnaby relate to the current R10 zoning objective, insufficient oversight and enforcement of statutory protections along with the lack of detail in the ACA document. These should be reviewed as part of the next LAP/ ACA so that The Burnaby is preserved for future generations.







Fig. 5: Aerial view of The Burnaby (highlighted) and environs.





## 2.0 UNDERSTANDING THE PLACE

### 2.1 HISTORICAL DEVELOPMENT

*This section is based on text provided by Peter Murtagh, journalist and resident, with some additions from other sources.*

#### 2.1.1 GREYSTONES EARLY DEVELOPMENT

Up to the latter half of the nineteenth century, Greystones was a small fishing hamlet set along a headland of rocky crags from which it derived its name. A few houses dating from this period survive along Trafalgar Road, although they have been absorbed into a late-nineteenth century streetscape. Nearby settlements included the coastguard station at Blacklion and the village of Delgany further inland. Otherwise the area was characterised by farmsteads and country houses, set in a beautiful agrarian landscape.

#### 2.1.2 GREYSTONES RAILWAY STATION

In 1855, Greystones railway station was opened on the Dublin, Wicklow & Wexford Railway. This made the village more accessible to Dublin city, which was undergoing rapid suburbanisation along the new railways, creating dormitory settlements around former farming villages in its hinterland. Prompted by this opportunity, the La Touche family, with their seat at Bellevue House (now demolished) in Delgany, began building Church Road, Church Lane, La Touche Place, Trafalgar Road and Kimberley Road. These developments took the form of residential terraces, semi-detached and single houses, and over the next twenty years Greystones became a substantial town.



Fig. 6: Manuscript map of La Touche estate in Greystones. Burnaby estate is located off the map to the south of the railway station.



### 2.1.3 HAWKINS-WHITSHED FAMILY

To the south of the station was the Hawkins-Whitshed estate with their seat at Kinacarrig House, now the club house for the local golf club. Compared with the banking wealth of the La Touche family, the Hawkins-Whitsheds had a more modest fortune. A boundary wall between these estates ran west/east, from Deigany down to the sea; it is thought that the railway station was deliberately located at the dividing line.

William Whitshed (1679-1727) was born into a wealthy and prominent Dublin family of merchants and politicians, who rose to the position of Lord Chief Justice of Ireland at the early age of thirty five. He was a notable for being the subject of the satire of Jonathan Swift for his performance during a notorious libel trial. He was the member of parliament for Wicklow from 1703-1714. His nephew, James, inherited the estate, and was MP for Wicklow from 1747-1760. James also sat in the British parliament representing St Ives and later Cirencester. At his death, in 1789 he willed his estate to his cousin, James Hawkins who was born in Raphoe, Co Donegal on the condition he changed his name to Hawkins-Whitshed. At the time, Hawkins-Whitshed was rising through the ranks of the Royal Navy having had action in the American War of Independence. He was later made Admiral of the Fleet, and a baronet in 1834 with his seat in Wicklow at Kinacarrig.

#### 2.1.4 ELIZABETH HAWKINS-WHITSHED

Elizabeth was born in 1860, the daughter of St Vincent, the third baronet being the second son of James Hawkins-Whitshed. She was raised in a second Kinacarrig House, closer to the sea shore and which became the Clyda Hotel and then the Woodlands Hotel before falling into disrepair and eventually being demolished in the 1980s. She was an only child and

inherited the lands at the age of eleven, which included 2000 acres in Wicklow, Dublin and Meath.

At eighteen, Elizabeth was a society debutante in London, chaperoned by her relative, Lady Portland. In 1879, she met and married a man twice her age – Colonel Frederick Burnaby, a Guards officer, adventurer, balloonist, and co-founder of Vanity Fair magazine. Burnaby died in 1885, killed in southern Sudan while trying to rescue General Gordon, under siege by the Mahdi rebellion in Khartoum.

Elizabeth went on to marry again, to John Frederick Main and, after his death two years later, to Francis Bernard Aubrey le Blond. Soon after her



Fig. 7: Photograph of Elizabeth in the Alps.

arrival in London, Elizabeth developed a weak chest and was advised to go to Switzerland for the clean air. She took residence in the Kulm Hotel in St Moritz where she enjoyed ice skating, curling, tobogganing, ice sailing and trekking through the mountains. She became an accomplished Alpine climber, scaling numerous peaks never before climbed by man or woman. She was a keen photographer and author, in 1928 she published her memoir, *Day In, Day Out*.





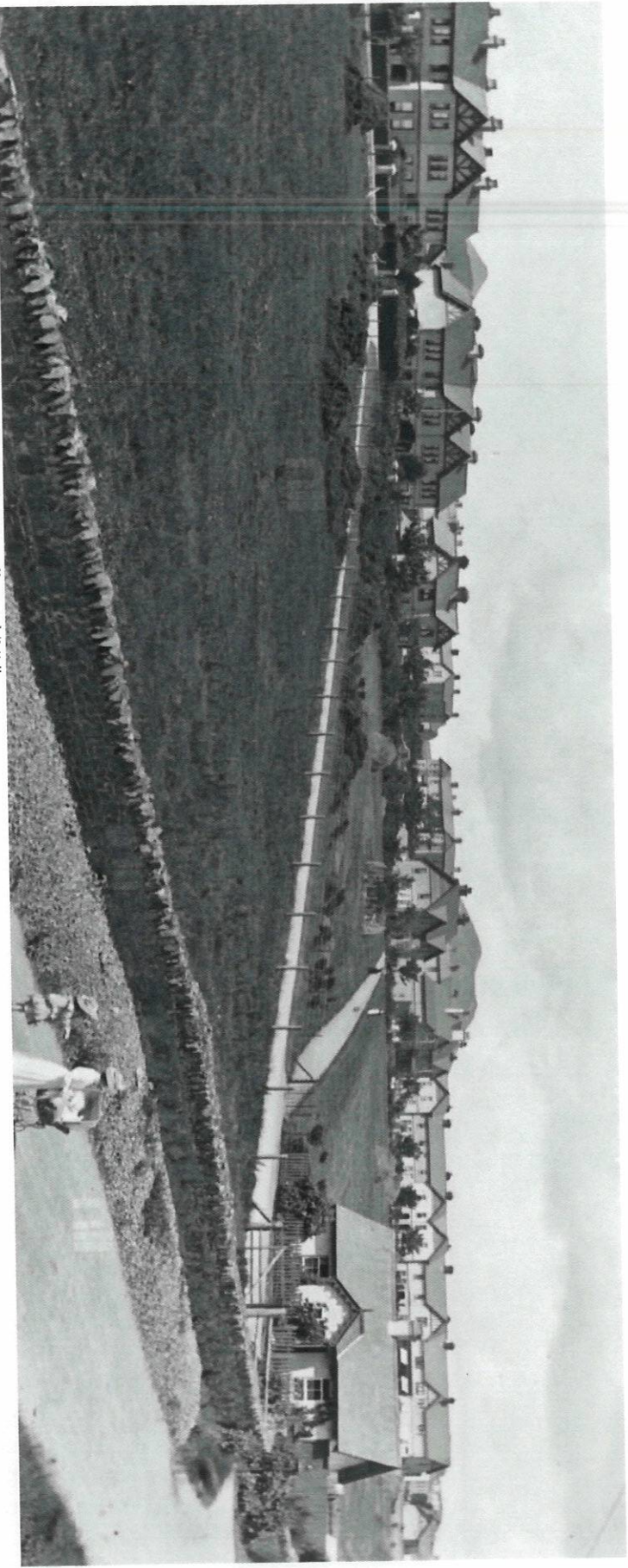


Fig. 8. Lawrence Collection photograph of The Burnaby from Mill Road (NLL).

## 2.1.5 BURNABY ESTATE ARCHITECTS

Her early age at the time of her inheritance may be a reason why the development to the south of the station was somewhat delayed. Reaching her maturity followed by her early widowhood, may have provided the impetus for further development to the south of Greystones. Sometime after the death of her first husband, her agent in Greystones, Alfred Wynne, suggested that she should build houses on her land. By that time William

Robert La Touche had developed the fishing hamlet into a bustling suburban village and resort. She retained the architectural firm of James Rawson Carroll which included a young English-born architect Frederick Batchelor. In the designs and layout drawn up by the firm for new houses for an estate that became known as *The Burnaby*, they differed considerably from the template already established for the rest of the town. Their masterplan shared planning characteristics that would later be formalised as the 'garden city movement' in Britain that was influential on urban development worldwide throughout the twentieth century.





By 1892, Frederick Batchelor had joined Carroll in a formal partnership. In that year, they are recorded as ordering drains to be constructed for the estate. In 1902, *Moorlands* a house to their designs was featured in the *Builder*. By 1905, Carroll had retired, and Batchelor entered a partnership with George Hicks, another Englishman who had worked in the firm. They are credited with other houses of note on the estate such as *The Shrubberies* and *Nirvana*. They also designed similar houses in other affluent suburbs closer to Dublin city.

## 2.1.6 THE BURNABY AS BUILT

The estate extends to 37.5 hectares, with approximately 180 dwellings, and is bounded by Mill Road to the east and south, with Greystones Golf Club to the west, Hillside Road and Church Road to the north. It is thought that the majority of the original houses were built by 1915, with houses added throughout the twentieth century and up to the present. Since 1915, the housing stock has been increased by 50% with mostly mid-century bungalows and one-off houses that often mimic the originals. The generous scale of the thoroughfares and careful siting of the houses provides privacy that can usually only be found in rural areas. After one hundred years of growth and careful tending, mature trees and gardens found throughout the estate better represent the ideals for a 'garden suburb' than could have been enjoyed by its first generation of residents.

## 2.1.7 NOTABLE RESIDENTS

From the outset, the Burnaby attracted wealthy and prominent members of society, sometimes as summer retreats or a place to retire for judges, business people and retired functionaries in the British colonial administration in places such as east Africa and India. Lord Wimborne, Lord

Lieutenant of Ireland during the Easter Rising, used *Moorlands* as a summer house. Close by lived the Figgis family whose son, Neville, died at Gallipoli while at the same time his cousin, Darrell Figgis, was gun-running with Roger Casement for the Irish Volunteers. Sinéad de Valera lived on Kinlen Road and was visited regularly by Michael Collins when Eamon was on a fundraising tour of the United States.

## 2.1.8 ROADS & HOUSE NAMES

When naming the roads Elizabeth liked to commemorate her family; Whited Road, Portland Road, St Vincent Road, Hawkins Lane and Killincarring Road. Burnaby and Somerby were associated with her late husband. Interestingly, Kinlen Road is named for PJ Kinlen who is thought to have built many of the houses. Pavilion Road is named for the golf pavilion that was demolished; Quarry Road is located at the former quarry whose site was developed at a much later date. Original cast iron signs have survived, and are unique to the estate.



Fig. 9. Lawrence Collection photograph of The Burnaby from golf course (NL).





Fig. 10: Map showing dwellings and boundaries in the estate pre-1915.



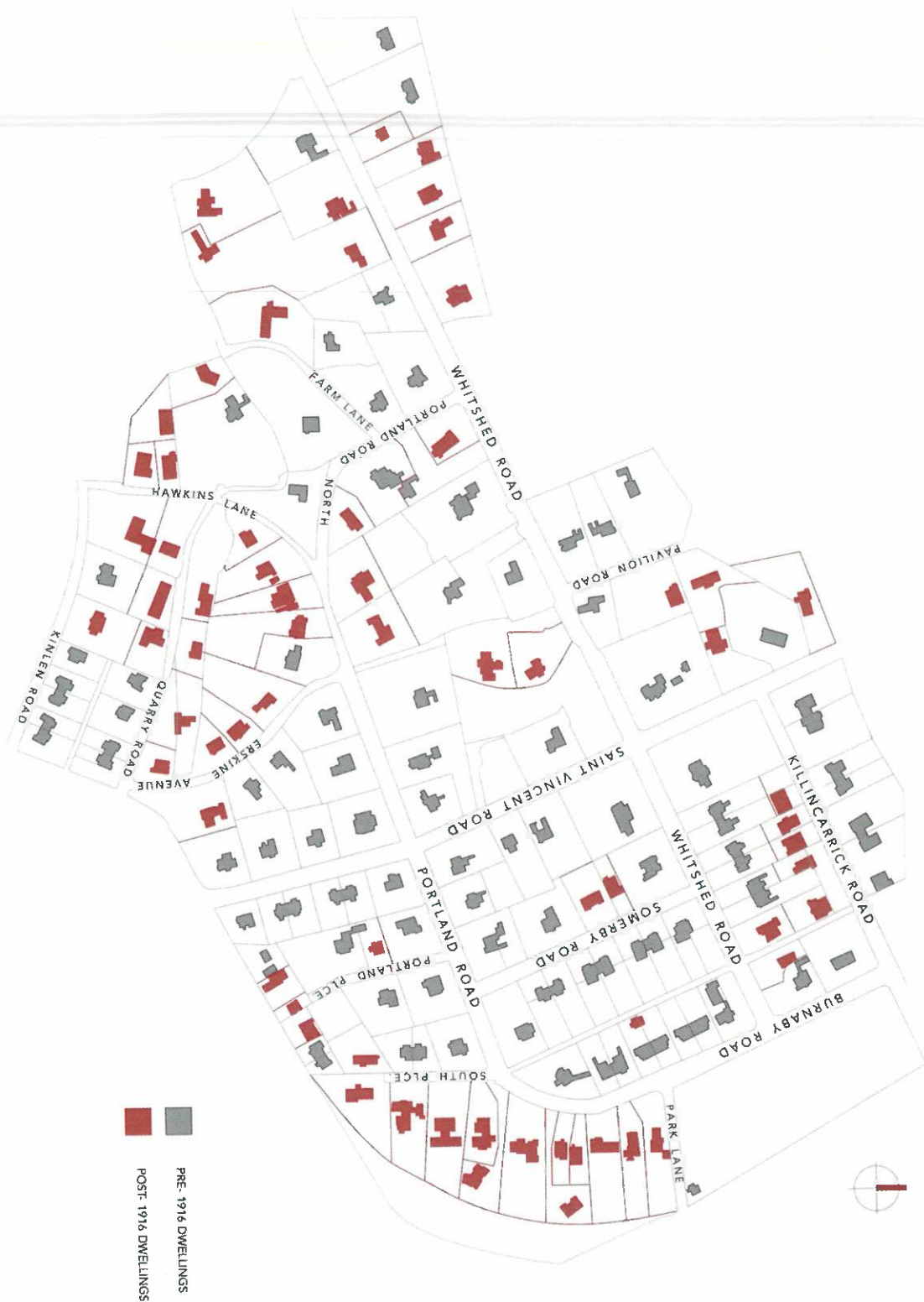


Fig. 11: Map showing increase in site density and subdivision from 1915 until the present.





Many of the house names have been retained, a common practice at the time, but for which there is added meaning given the often distinctive character of the houses and the associations with their first owners. More prominent houses had their names included on the maps; *Ardeen*, *Inglefield*, *Burnaby Lodge*, *Moorlands*, *Nirvana*. In some locations, the original signs have survived on the gate pillars, sometimes even though the house has been renamed since.



Fig. 12: Street name plate and policy railings along Whitshed Road.

## 2.2 DOCUMENTARY EVIDENCE

### 2.2.1 BURNABY ESTATE 1889 PLAN

A plan for the Burnaby Estate, undated but noted on the reverse to have been used during a court case in 1889, is held in the Irish Architectural Archive. It differs considerably from the contemporaneous development in

the La Touche estate which is also shown on a manuscript map. To the north, new streets converged at the station to either side of the tracks, bending to link into existing country lanes and to assimilate older buildings onto the new layout. In contrast, the Burnaby Estate was planned on a more formal layout of straight, broad boulevards. Killincarrig farmhouse (as it was then known) was intended to be removed, as shown the new housing stretches as far as Kindalestown.

While this plan differs from what was constructed over the following decades, it demonstrates the clear, rational approach taken to planning the estate. Plot sizes varied; terraces were placed along the seafront overlooking the park and to the west side of Killincarrick Road; semi-detached houses then range up the hill, giving way to detached houses on larger plots to higher ground. Plans of the houses show a variety of symmetrical and asymmetrical forms.

During the late-Victorian period, there was an increased appreciation of the value of public parks and sporting amenities for the well-being of the populace. Cities and towns began to vie with each other with the splendour of their new parks. Two small parks were included in the Burnaby plan, one with tennis courts beside the station forming a setting to the seaside and at the front of the estate, and another on the higher ground to the west end that was never built. Interestingly, there is little evidence of coach houses or mews lanes in the decades just prior to the introduction of the motor car. When built, many of the houses had stables that have been long adapted or removed.

As shown, the *Public road from Delgany* is an extension of the old mill road that linked to the more ancient coastal route at the small settlement of Killincarrig to the south west.





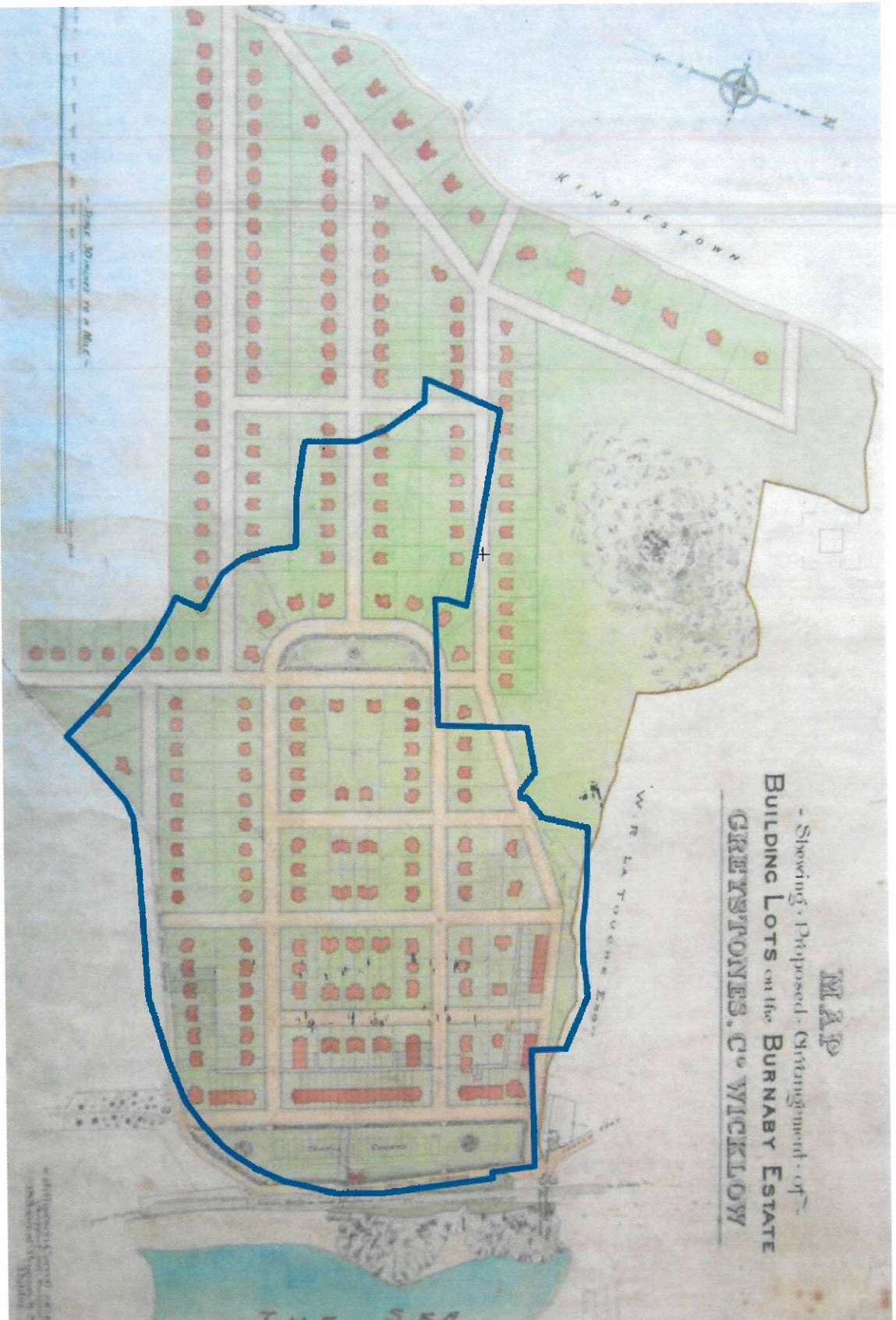


Fig. 13: Manuscript map held in the Irish Architectural Archive dating from 1889, with approximate outline of ACA superimposed (in blue).





### 2.2.2 BURNABY ESTATE DEEDS

Aside from designing some of the larger houses, it appears from property deeds that the architects were employed by Elizabeth Whithed to oversee the quality of the developer-built houses. This was achieved by their certifying the construction of the houses on the deeds, signing as Architects to the Burnaby Estate. The deed for a semi-detached house at No.2 Somerby Road, agreed with the builder PJ Kinlen who owned the adjacent plots, was for 999-years with a yearly rent of thirteen pounds. The document is a standard format, printed on folded sheets with the specific clauses included by hand, so may have been widely used across the estate. Twenty-six pounds was the fee or penalty for each building erected on the site without permission. The estate also retained mineral and quarry rights, and access for the installation of sewers and land drainage as required. A sum of nine hundred pounds was agreed to be spent on each of the two houses on the plot within one year of the agreement. Also specified was the boundary fencing; iron paling set in a concrete base to a value of no less than six shillings...similar in every respect to the adjoining holding. The use of the plot for residential purposes only was circumscribed; convent, monastery, school, college, public hospital, infirmary, charitable institution, mill manufactory, iron foundry, distillery, brewery, gas works....soap maker...oil man, butcher....tavernkeeper...baker, tanner, skinner, lime burner, blacksmith....night man, scavenger...or any or either of them, or for any noisome or offensive art, trade, business or purpose whatsoever without written consent.

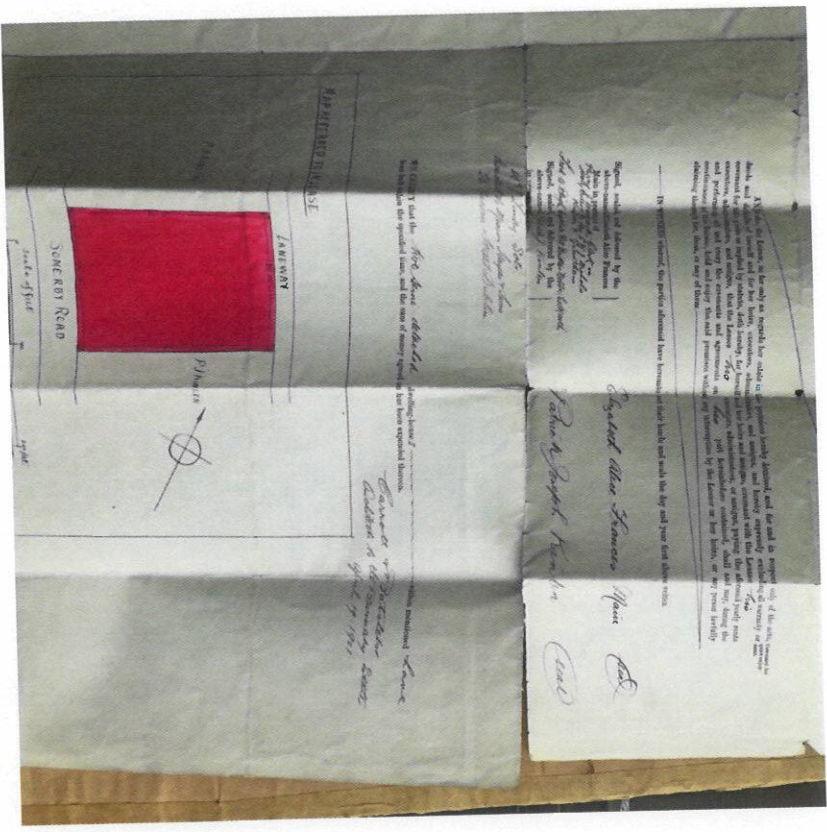


Fig. 14: Photograph extract from title deed showing certification by architect.



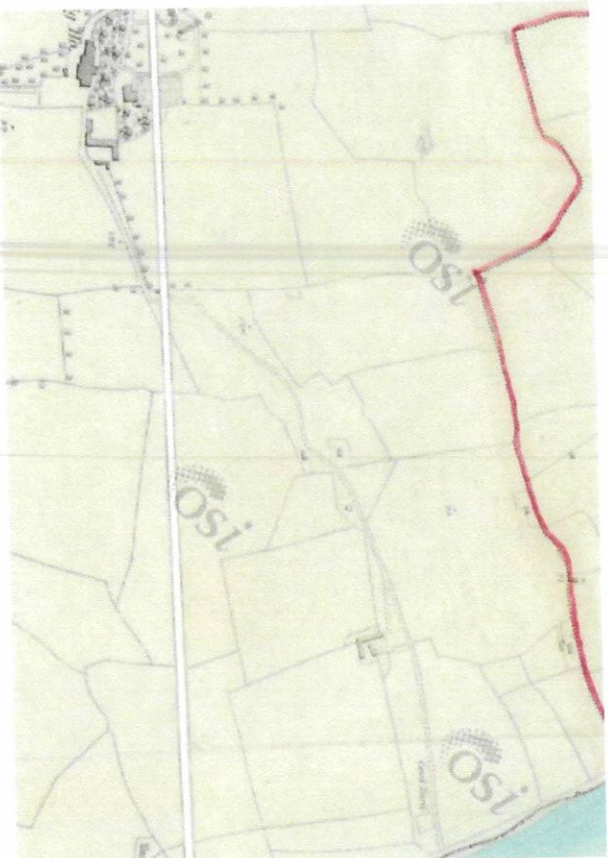


Fig. 15 & 16: Ordnance survey map extracts comparing development in 1840s and by 1910.



## 2.2.3 MAP EVIDENCE

Ordnance Survey maps first show Greystones approximately fifty years prior to the development of The Burnaby, and again soon after many of the original dwellings were constructed. On the first edition map farmland and two modest dwellings, were all that are shown on the estate lands at the same time that Greystones was a fishing hamlet. Present day Farm Lane is a survival of part of a path that once led down from Killnacarrig House to a coal yard at the shoreline.

The next edition shows the transformation of Greystones into a dormitory town in the fifty years since the railway was established. Much of the development carried out in the La Touche estate is evident - new roads, houses, and commercial buildings. By this time, The Burnaby is almost complete; tree-lined roads and houses named, and plots clearly delineated. While the scale of development was impressive, there remained empty plots, some of which have only been filled in recent years.





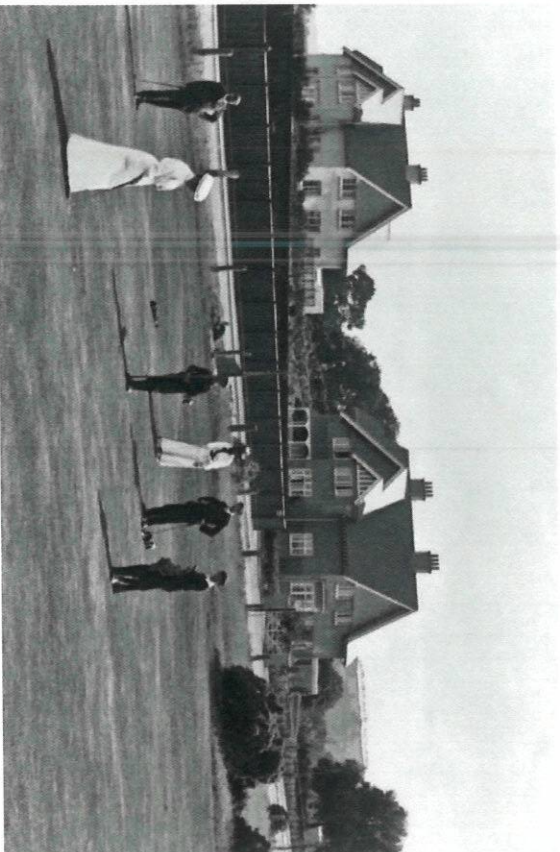


Fig. 17: Lawrence Collection from golf course at Pavilion Road (NLL).

## 2.2.4 PHOTOGRAPHIC EVIDENCE

Photographs of Greystones from the turn of the twentieth century from the Lawrence Collection are held in the National Library of Ireland. Views include several from the vantage point of the Greystones Golf Club, showing its pavilion but also nearby houses in The Burnaby. They record the early development of the estate included the retention of existing trees, but also the planting of many new trees and hedgerows along the line of the policy railings. At that time, the houses were much more visible, and being fashionably designed, would have set precedents for new housing developments that followed.

## 2.3 PRECEDENTS

### 2.3.1 BEDFORD PARK, LONDON

By way of identifying precedents for the Burnaby Estate, Bedford Park in London might be the most instructive. Laid out in the late-1870s to the designs of Edward William Godwin, a member of the Aesthetic Movement, Bedford Park was situated to the west of the city that was newly accessible by rail. Jonathan Thomas Carr, the developer, intended to provide smaller, architect-designed houses for middle class families who would appreciate the opportunity to live close to the countryside. Bedford Park is considered to be the prototype 'garden suburb', influencing the Garden City Movement of the early twentieth-century. Godwin was soon replaced by Richard Norman Shaw, a leading architect of the period, who designed new houses without altering the street layout. Bedford Park has a higher housing density than the Burnaby. The attention to quality and variation of the design of the residences, which together created a new type of suburban setting was widely-published and admired. It should be noted that the Burnaby is larger in area than the early phases of Bedford Park; as planned it would have doubled the size of Greystones at that time.

### 2.3.2 OAK PARK, ILLINOIS

At the same time, suburban expansion in the mid-west United States conformed to the 'gridiron' that stretched from 'downtown' far out onto the prairies. Oak Park, Illinois, a suburb of Chicago developed from the 1870s from a small village after the catastrophic fire of 1871. As for other garden suburbs, its expansion was made possible by the coming of the railway. Frank Lloyd Wright, one of the most influential architects of the twentieth century, moved to Oak Park in 1889.





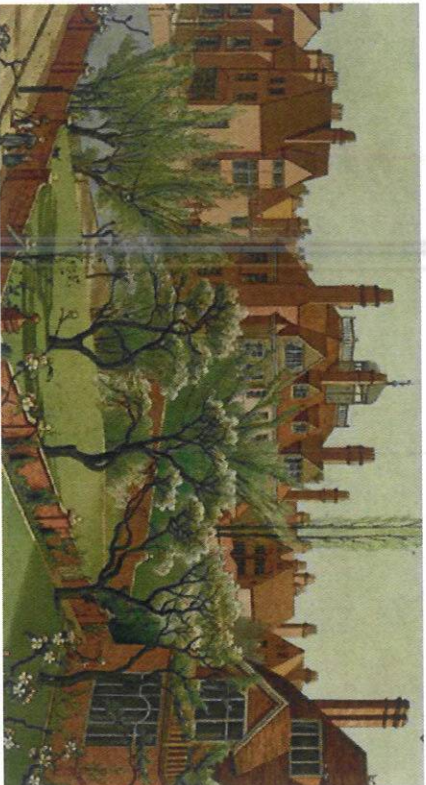


Fig. 18: 1882 view of Bedford Park showing specimen planting such as cherry.



Fig. 19: Four examples of houses designed by Frank Lloyd Wright at Oak Park.

### 2.3.3 FOXROCK, CO DUBLIN

Elsewhere in Ireland, Foxrock would have a similar range and quality of residential buildings in a suburban setting of the period. Taking a lease of the lands of Foxrock House from the Church of Ireland in 1859, developers Bentley and Fox set out to create a new residential area of 'mansions and pretty villas' convenient to the city and along the same railway as Greystones. Development proceeded along Westminster, Torquay and Brighton Roads, but not to an overall masterplan, linking the station onto country roads in rural south Dublin. While these houses had generous plots and architectural guidance, they were not developed as a distinct estate with coordinated boundary treatments or with the same care in the design of their public realm.

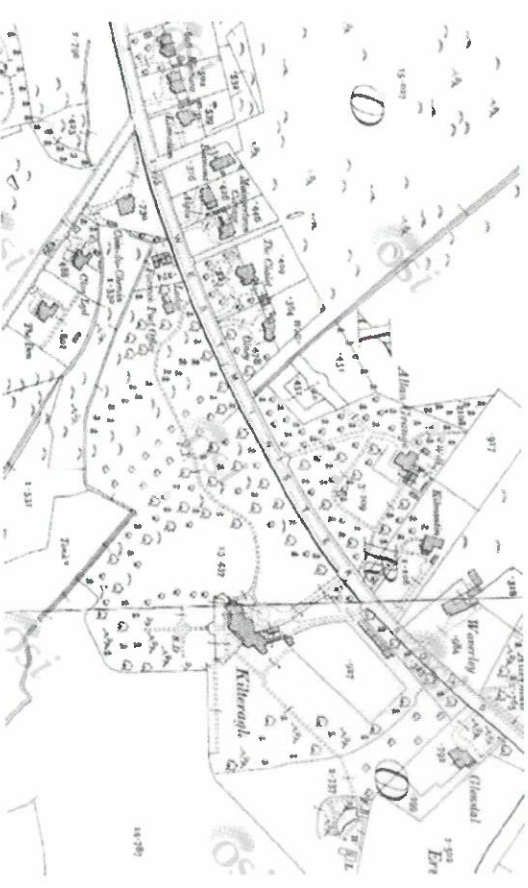


Fig. 20: Extract from OS map (ca. 1900) showing early development of Foxrock.



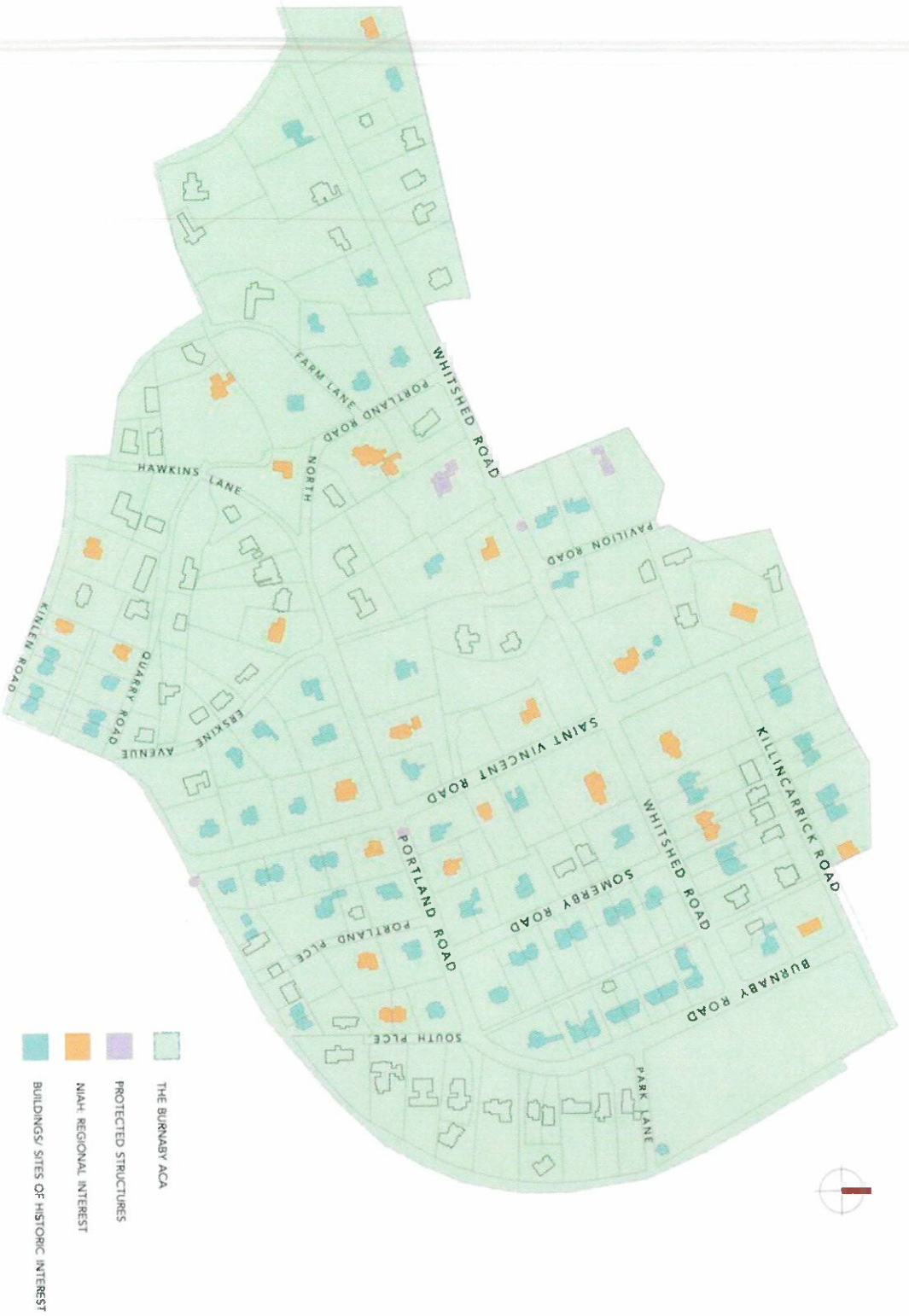


Fig. 21 : Map showing statutory protection and buildings of historic interest.





## 2.4 STATUTORY PROTECTION

### 2.4.1 PROTECTED STRUCTURES

In the current Wicklow County Council Development Plan 2016-2022, two dwellings and three items of street furniture are all that are included on the Record of Protected Structures (RPS) in The Burnaby:

08-22 Whitshed Road, Pillar Box  
 08-23 Pavilion Road, 'The Shrubberies' - Dwelling House  
 08-25 Portland Road, Pillar box  
 08-28 Whitshed Road, 'Moorlands' - Dwelling house  
 08-31 Delgany Road, Post box

### 2.4.2 NATIONAL INVENTORY OF ARCHITECTURAL HERITAGE

The National Inventory of Architectural Heritage (NIAH) survey for Co Wicklow was carried out in 2003, and published in 2004. It identified thirty three sites, including the protected structures, and rated each dwelling as being of Regional Interest.

Sites selected represent different house types and designs, so that neighbouring dwellings of equal merit are not included. However, the terrace of houses attached to Ireton that form part of the Church Avenue ACA nearby, the NIAH survey records all buildings of the group separately. This is a more comprehensive approach, but was not used in The Burnaby.

Planning authorities use NIAH surveys as a resource when identifying historic buildings for inclusion on the RPS as part of draft Development Plans. The Department of Culture, Heritage & the Gaeltacht also refer to

the surveys to make recommendations to local authorities for buildings to include on the RPS where this practice has not been followed. Structures with a 'Regional' rating are generally considered to be worthy of inclusion on the RPS.

16304069	Liscelta	Killincarrick Road
16304070	Corrella House	St Vincent's Road
16304071	Burnaby Lodge	St Vincent's Road
16304072	Glencarrig	Whitshed Road
16304073	Ard na Mara	Whitshed Road
16304074	Teach Bhúileann	Whitshed Road
16304075	Eyrefield Lodge (the Shrubberies)	Pavilion Road
16304076	Thomond	Whitshed Road
16304077	Glansheskin (Nirvana)	Whitshed Road
16304078	Craglands	Portland Road
16304079	Raheen	Kinlen Road
16304080	Merriton	Kinlen Road
16304081	Lismara	Kinlen Road
16304082	Epworth	Quarry Road
16304084	The Tunnel	St Vincent's Road
16304085	?	Portland Road
16304087	Tavistock	Portland Road
16304088	Miliverton	St Vincent's Road
16304089	Dunaree	St Vincent's Road
16304090	Mossfield	Portland Road
16304091	Craignatan- Timor House	South Place
16304092	Nullamore	Whitshed Road
16304093	Burleigh Lodge	Portland Road
16304094	The Grove	Portland Road North
16304097	Ardeen	St Vincent's Road
16304098	Dunboy	Burnaby Road



## 2.4.3 ARCHITECTURAL CONSERVATION AREA

The Burnaby Architectural Conservation Area is included in the Greystones - Delgany & Kilcoole Local Area Plan 2013-2019, with Map B defining its boundary. At 37.5 hectares it is significantly larger in area than the adjacent Church Road ACA and The Harbour ACA. Also located on the map within the ACA boundary are Tree Protection Objectives T08, T14-T18, T28 and Indicative Green Routes along Whited Road and Mill Road.

## 2.4.4 LAND USE ZONING

Map A in the Greystones - Delgany & Kilcoole Local Area Plan 2013-2019 defines the land use zoning objectives. The entirety of The Burnaby ACA along with more recent housing estates to the southwest along Mill Road are zoned R10: Residential – 10/Ha with the Burnaby Park zoned OS: Open Space. It should be noted that the adjacent ACAs are zoned TC: Town Centre with no housing density objectives. Most of the established modern housing in Greystones immediately to the west and north of the town centre are zoned RE: Existing Residential with no housing density objectives. Therefore, the Burnaby has a housing density zoning despite being a mature residential area, protected by an ACA designation. Such zoning objectives are usually found on brownfield sites or agricultural land within the LAP boundary, as a means to guide their sustainable development.

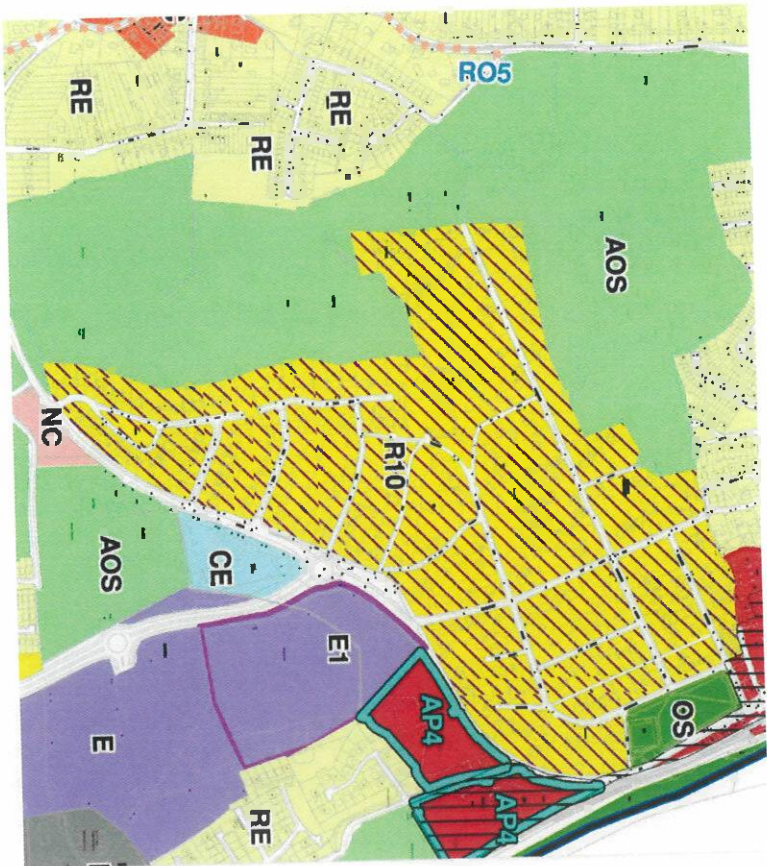


Fig. 22: Current LAP Map A showing R10 objective for The Burnaby.





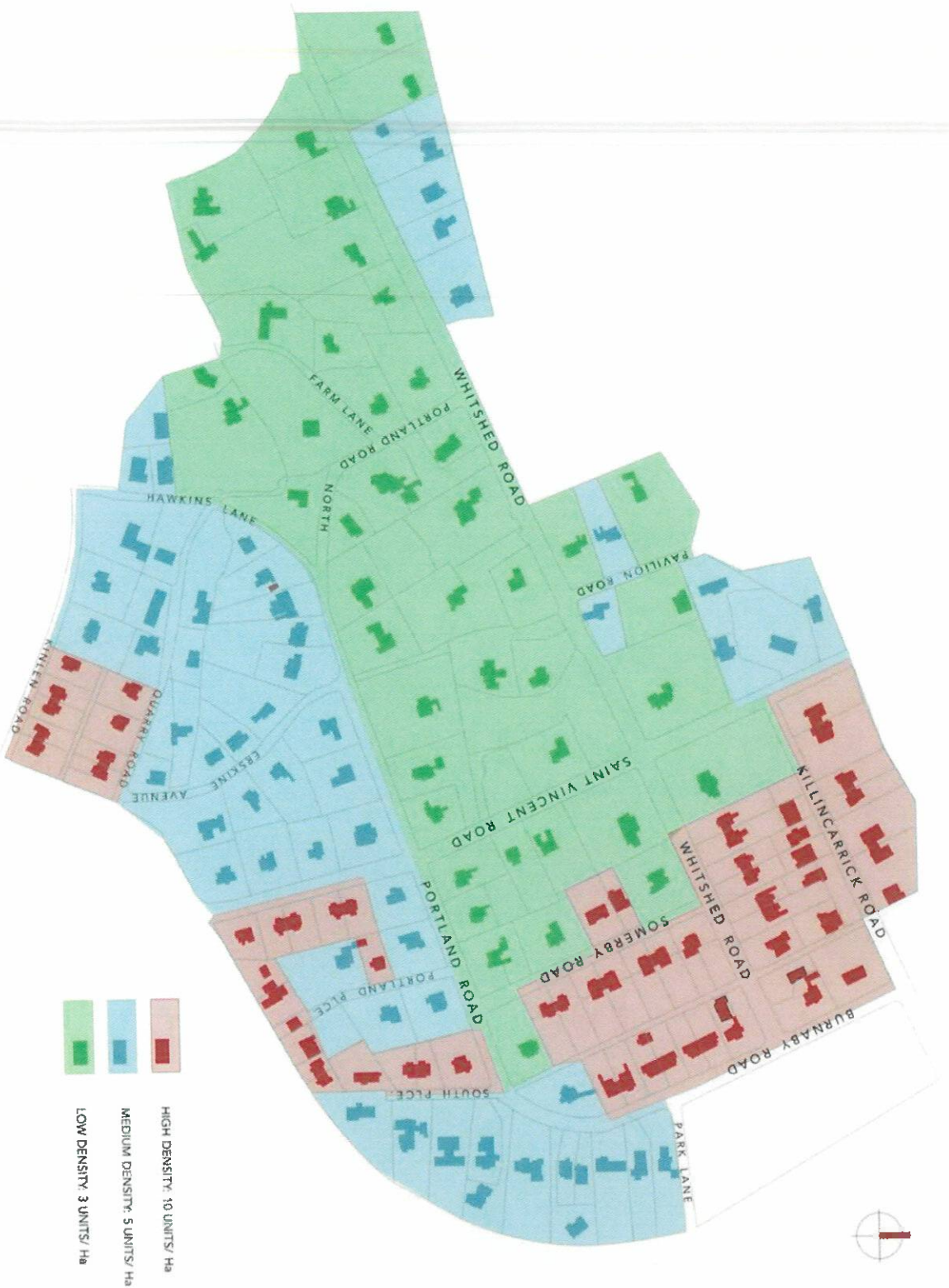


Fig. 23: Map showing different relative densities across site, which form part of the character of the area.



### 3.0 STATEMENT OF CHARACTER

#### 3.1 HOUSE STYLES & DETAILS

Certain design characteristics common to the houses are representative of their period, to the extent that they constitute a repository of the late-nineteenth and early twentieth-century domestic architecture, sometimes in an exceptional state of preservation.

The houses are often described as being either of the Domestic Revival or an Arts & Crafts style, although it can be difficult to make firm attributions of either style. In simple terms, the semi-detached houses are more usually Domestic Revival, and the best of the detached houses are fine and rare examples (in an Irish context) of the Arts & Crafts style. These terms are often used interchangeably, and while they are related, there are several important distinctions.

The Domestic Revival style derives from the Gothic Revival that prevailed during the latter half of the nineteenth century. While first used for churches, civic buildings, institutions and commercial buildings, the style was adapted for domestic use. It was sometimes criticized for applying architectural details to small dwellings that were originally devised for large buildings. Mass production made this style affordable for the middle classes, and it appealed to their taste. During the Domestic Revival aspects of Tudor, Jacobean, Venetian and Queen Anne styles were revived, as opposed to the more rational neo-classical styles that prevailed during the Georgian and Regency periods.

The Domestic Revival style retained a preference for symmetry and used such innovations as plate glass, industrialised brick and glass manufacture,

and best represents Victorian domestic architecture. It was less likely to have been designed by an architect, being often built by developers from pattern books.

The Arts & Crafts style emerged as a reaction to industrial progress, inspired by the writings of John Ruskin and William Morris. Philip Webb in his design of *The Red House* for Morris in 1859 set the template, and it was a more self-consciously architectural style. Leading exponents included CFA Voysey, WH Lethaby, Baillie Scott and later Edwin Lutyens who were among the most influential architects of the period. Many of the most celebrated examples of the style are dwellings, albeit designed for wealthy and sophisticated clients.

Instead of mass-produced application of ornament and the diminution of styles intended for churches and palaces, these architects sought inspiration in vernacular domestic architecture. They had a preference for the picturesque, using asymmetrical massing and forms, and local natural materials that demonstrate the beauty and simplicity of craft. Later, this style was adapted for use for early examples of mass housing, e.g. Marino, Dublin, where slums were resettled in the countryside as garden suburbs with simple but humane designs and detailing.

In general, the Arts & Crafts style is characterised by steep, overhanging roofs using clay tiles or slate, roof dormers, bay windows, deep porches, inglenook fireplaces, smooth and dashed renders, stone and brick details, leaded glass rather than modern plate glass, carved timber joinery, simple wrought ironwork, finer proportions, playful forms and exceptional attention to detail.





Arched windows with plate glass

Clay roof crestsings and moulded brick chimneys

Clay tile roofs with steep asymmetrical slopes

Horizontal emphasis to fenestration

Asymmetrical bays with deep overhangs



Gothic-style cast iron pillars

Mass-produced brick and slate with applied decorative detail

Connection to garden carefully considered

Smooth render and lack of applied ornamental detail

DOMESTIC REVIVAL

ARTS & CRAFTS

Fig. 24: Comparison between two houses showing the characteristics of the two predominant styles in The Burnaby.



### 3.2 PUBLIC REALM & LANDSCAPING

The design of the public realm gives the Burnaby Estate its special character and distinguishes it from suburban developments in Ireland of the same era. Generously-sized plots attracted residents to live in a country-side setting while enjoying the convenience and services made available by its proximity to the railway. Upper middle-class residents could aspire to large architect-designed houses set in landscaped gardens, best represented by *Moorlands*, *Glansheskin* (*Nirvana*), *Burleigh Lodge*, *The Shrubberies* (*Eyrefield Lodge*) and *Burnaby Lodge*. There were also more modest, developer-built but well-appointed semi-detached houses on narrower plots on the roads closest to the train station.

By exercising control over the front boundaries, as well as the relationship of the houses to the road, the estate architects were able to create a uniform expression while maintaining a semi-rural character. The roads of the Burnaby estate have a generosity of scale unusual in suburban estates, with uninterrupted vistas lined by tall hedges that have absorbed the iron policy railings, tree-lined footpaths and simple gate posts. Variety is found in the wide range of hedge species, and gardens planted with specimen trees that represent an impressive biodiversity and garden design. Granite kerbs survive along Whitshed Road and Pavilion Road providing a sense of local distinctiveness; in-situ concrete kerbs are also unique to the estate and form part of its character.

Another component of its character is the distinctive hierarchy of routes within the estate are as follows:

- primary routes being wide and straight roads running perpendicular or parallel to the shore, with wide footpaths

- secondary routes linking between the primary routes and around former infill sites such as the quarry, footpaths are not as wide or continuous
- tertiary routes consisting of cul-de-sacs and mews lanes, sometimes with no footpaths or tarmacadam

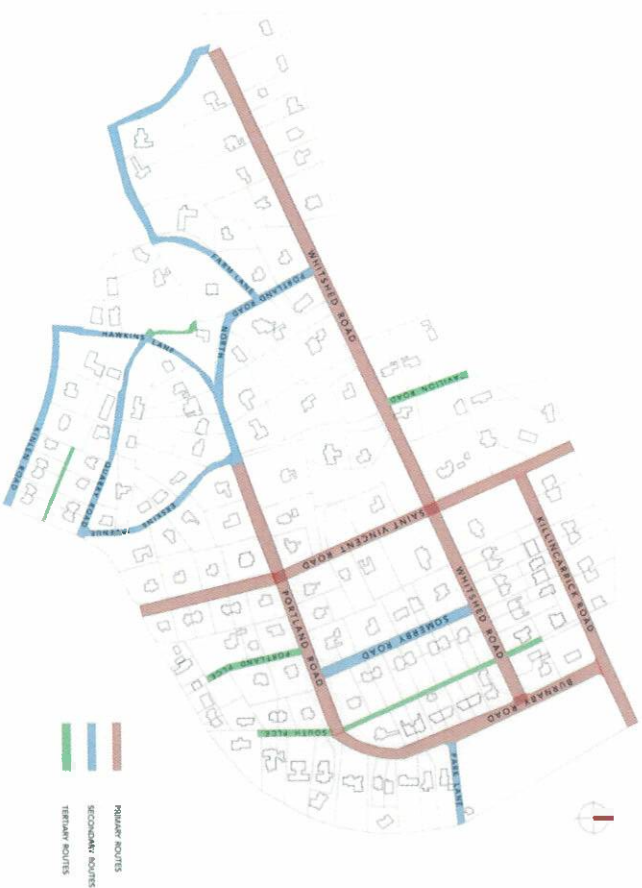


Fig. 25: Map showing route hierarchy.





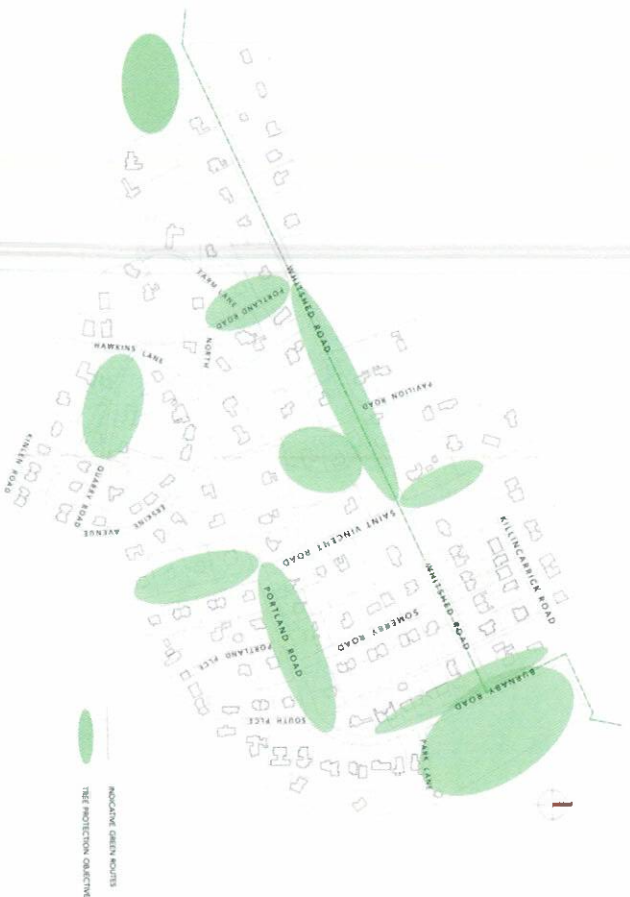


Fig. 26: Map showing tree protection objectives and indicative green routes.

### 3.3 HISTORIC CHARACTER: URBAN DESIGN & PUBLIC REALM

- Plot width and density; detached and semi-detached dwellings on a wide range of sites 0.2 to 0.8 Ha
- Road and footpath hierarchy and alignment, including mews lanes
- Original granite kerbs where found (Whitshed Road, St Vincent Road & Pavilion Road), fine gravel footpaths, distinctive cast concrete kerbs (Kinlen Road, Portland Road N., Pavilion Road,

- Erskine Avenue, Killincarrick Road, South Place, Somersby Road, Whitshed Road)
- Mature hedgerow screening along front boundaries
- Mature trees along footpaths
- Original policy railings and gate posts with pyramidal cappings (rendered stone and brick) marking the original entrances
- Original cast iron road signs
- Original pillar and wall-mounted post boxes

### 3.4 HISTORIC CHARACTER: DWELLING DESIGN & DETAIL

- Variety of dwelling types including bungalows, villas, semi-detached, terraced, modern etc.
- Variety of form and massing of dwellings including roof profiles; arrangement of gables, wings and bays; chimneys, deep porches and verandahs
- Architectural assemblies such as windows, eave overhangs, doors, porches, bays, dormers, staircases, and paneling
- Original materials where they survive such as clay tiles (roofs and gable walls), slate, render, stone, brick, timber joinery, ironwork both decorative and functional, historic glass, tiling
- Decorative details such as half-timbered gables, decorative clay finials, crestings and chimney pots, moulded timbers,
- Specimen trees and shrubs in designed gardens including paths, terraces and rockeries.



## 4.0 ISSUES & CHALLENGES

### 4.1 STATUTORY PROTECTION

The Burnaby ACA was included on the Greystones - Delgany LAP 2006-2012, and in the updated 2013-2019 plan. While the written text acknowledges the national significance of the estate, and summarises its unique character; it lacks sufficient detail and guidance in order to ensure it is effective in providing for its conservation.

While it is accepted that not all buildings in the estate merit protected status and retention, we would submit that all of the historic dwellings included on the NIAH meet that standard. At present, only two of the houses are included in the RPS, while almost thirty others are included in the NIAH survey as being of *Regional Interest*. As noted above, the survey identified exceptional and representative structures of built heritage interest in the estate, but there are eighty other dwellings of similar quality that contribute to the historic character whose protection derives from the ACA (see page 19).

It should be noted that it is not the intention of ACAs to provide blanket protection for settings of built heritage interest that would be otherwise worthy of inclusion on the RPS. Rather, they were devised to protect groups of structures, that otherwise might not meet the standard for inclusion on the RPS, but that together as a group form a setting with a shared, identifiable character of cultural heritage interest. As part of preparing the application of the ACA, the protected status of structures should be reviewed to ensure their proper conservation. It would be helpful for

residents to make a clear distinction between dwellings of architectural heritage interest and those later additions of negligible interest not worthy of special protection.

The ACA document notes that it does not preclude the subdivision of houses into apartments, extensions, change of use, and/or infill development, and that these will be considered on a case-by-case basis. However, while extensions can be sensitively achieved in some cases, other forms of development will by their nature involve significant loss of historic character and residential amenity.



Fig. 27. View along Whitshed Road showing semi-rural character and recent works to footpaths.





We would also submit that the ACA document should include guidance for applicants to inform them of the need to repair historic fabric rather than simply replace it with modern materials of lesser quality. While it is sometimes thought that the ACA designation refers only to the external appearance of the building from public areas, it is more correct that the protection is limited to those aspects of special interest identified in the ACA document. The prevalence of uPVC and modern timber windows, modern renders, and gates in recently refurbished houses are all examples of the ACA being not effective.

## 4.2 LAND USE ZONING

In the current local area plan, the Burnaby Estate has a land use zoning objective that permits 10 units per hectare; over double the current density across the entire estate. Due to the range of plot sizes, the zoning objective density is only achieved to the east and south of the estate where semi-detached houses predominate. A medium density is found to the area where the plots were developed later in the century along Mill Road and to the north side of Whitshed Road, providing 5.3 units per hectare. Almost half of the estate area, 15 hectares, contains 47 detached dwellings giving a density of 3.1 per hectare. Therefore, the current zoning allows for the doubling or tripling of the residential density of 80% of the estate.

Nearby mature residential areas, of negligible architectural interest, do not have density objectives as part of the land use zoning. It is submitted that including an objective for increased density on the Burnaby Estate conflicts with the ACA designation. This contravenes the advice given in *Architectural Heritage Protection Guidelines for Planning Authorities: Paragraph 3.6.9* that recommends that the zoning be modified where it

conflicts with the ACA. If continued into the next LAP, there is a risk that the historic character of the Burnaby will be irretrievably lost or obscured.

We would submit that should the current R10 zoning objective for the Burnaby fail to preserve the historic character of the estate; R5, R2.5 or RE zonings should be considered in order that - *infill housing shall reflect the prevailing density and character of its immediate surroundings*. The gradual infilling of plots and subdivision has already added 50% to the existing housing stock since 1915. Further subdivision will result in serious loss of historic character and diminish the design integrity of the estate with new modern dwellings. New site entrances would result in the loss of historic railings and mature hedges.



Fig. 28: View of gate posts with pyramidal capplings along Somerby Road left in place.



## 4.3 URBAN DEVELOPMENT & BUILDING HEIGHTS

In December 2018, the Department of Housing, Planning & Local Government issued *Urban Development and Building Heights: Guidelines for Planning Authorities*. Along with the *Planning and Development (Strategic Housing Development) Regulations 2017* which provided for applications over 100 housing units to be made directly to An Bord Pleanála, there has been a considerable change in development strategy in the provision of new housing in existing residential areas. This is especially true of sites close to major transport nodes, such as the DART.

In suburban Dublin, applications for already large-scale development are being withdrawn or amended and new applications submitted with large increases in height and density. The new guidance is to be taken into account by local authorities when preparing development plans and local area plans; An Bord Pleanála consider national policy and guidance when evaluating appeals or applications for larger schemes.

The Burnaby is undoubtedly a low-density residential area, in walking distance to a rail station on an important commuter line. It is imperative that WCC take account of the historic character of The Burnaby as detached dwellings on large sites, as increased densities as envisaged by the new guidelines will be detrimental to its preservation. Larger sites found at The Burnaby could deliver 30-40 units under current 'medium-density' guidelines of between 35-50 units per hectare. Should a number of sites be acquired and combined over time, even larger schemes could be proposed, that maintain setbacks from the road and mature trees delivering building heights of 6+ storeys. This is commonplace on former institutional lands and large suburban villas closer to Dublin city.

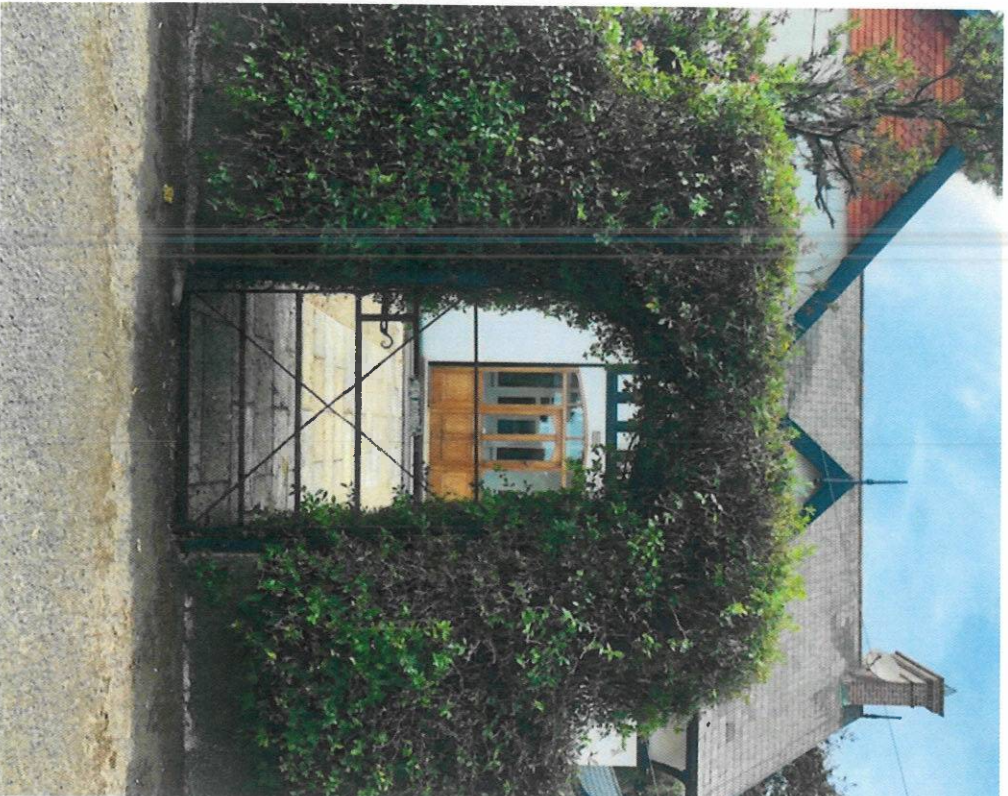


Fig. 29: View of gate on South Place.







Original finial replaced

Solar water heating and satellite dish in prominent location

uPVC replacement windows



Moulded timber columns replaced with mild steel square posts

Fig. 30: Example of house included on NIAH that has lost historic character through incremental change that should be controlled in an ACA.



#### 4.4 BUILDING CONTROL COMPLIANCE

Dwellings undergoing extension or refurbishment are required to comply with the Building Control Regulations. Part L: Conservation of Fuel & Energy of the Regulations requires that such houses meet minimum energy performance requirements. This includes upgrades to fabric insulation, air tightness and heat generation which can have impacts on historic fabric if not sensitively applied. Part L does not apply to works (including extensions) to protected structures or proposed protected structures.

The following text in Section 0.6 of the Part L Technical Guidance Document (2019) sets out the approach for buildings of architectural or historic interest:

*.... the application of this Part .... may pose particular difficulties for habitable buildings which, although not protected structures or proposed protected structures, may be of architectural or historical interest including buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture. The aim should be to improve the energy efficiency as far as is reasonably practicable. The work should not prejudice the character of the building or increase the risk of long term deterioration of the building fabric.*

In order to be effective, the ACA designation should specify that the mounting of photovoltaics on visible roofs is not permitted. Nor is the removal/obscuring of historic coatings, stone or brickwork for the purpose of installing modern insulation. It should also be noted that the improper installation of non-breathable coatings and linings without adequate ventilation can cause serious damage to historic finishes and structure through the growth of mould and rot fungi caused by condensation.

#### 4.5 REPLACE VS REPAIR

A key principle of historic building conservation is where possible to *repair rather than replace*. Architectural Conservation Areas identify key elements of historic character that survive in an area in order that they be preserved, were ordinarily they might not merit inclusion on the RPS. Houses undergoing refurbishment and extension in recent years demonstrate the losses to historic fabric that can occur from incremental change, evidence that the ACA designation needs to be more rigorously enforced.

Loss of historic timber joinery, external coatings, roofing coverings and ironwork are commonplace, to the extent that it can only be assumed that masonry walls and structural timbers are all that have survived. Likewise, interior framing, finishes and fittings of historic interest is also likely to have been removed or replaced with inferior modern materials and assemblies.



Fig. 31: View of semi-detached houses along Burnaby Road.





## 4.6 INSENSITIVE ADAPTATION & EXTENSION

The broad statement in the ACA that permits consideration of extension, refurbishment, subdivision and infill is a risk to the proper conservation of the cultural heritage value of the estate. Many of the dwellings are not suitable for subdivision into apartments, and the infill of the gardens with new houses risks the loss of gardens, trees and historic character of the plots and the public realm. Extensions to houses should ensure that they are not visible from the road, and that they are sympathetic to the form and massing of the original dwelling. Recent applications have been approved that extend the floor area of the historic dwelling by over 50%, along with the demolition of historic wings. These should not be permitted in order to preserve the historic character of the dwellings and The Burnaby generally. Former coach houses or stables have been converted into use as part of the dwelling. In the case of Glansheskin, the former stables have long since been converted to use as a separate dwelling, with its own access off Whitshed Road, while the main house is accessed from Portland Road North. This subdivision has created two dwellings, each of which overlooks the other, reducing the residential amenity. It is submitted that Glansheskin is a dwelling of architectural significance worthy of inclusion on the Record of Protected Structures, however planning policy in the past has allowed its character and its amenity to be severely compromised.

In order to keep account and assess the gradual loss of historic character in The Burnaby, a comprehensive inventory of the built heritage within the ACA should be drawn up. This should include a photographic survey, and include outline assessments of condition as well as focussing on building details that contribute to the special interest of the dwelling. It should also include recommendations for inclusion on the RPS, and will act as a database for consideration of planning applications into the future.

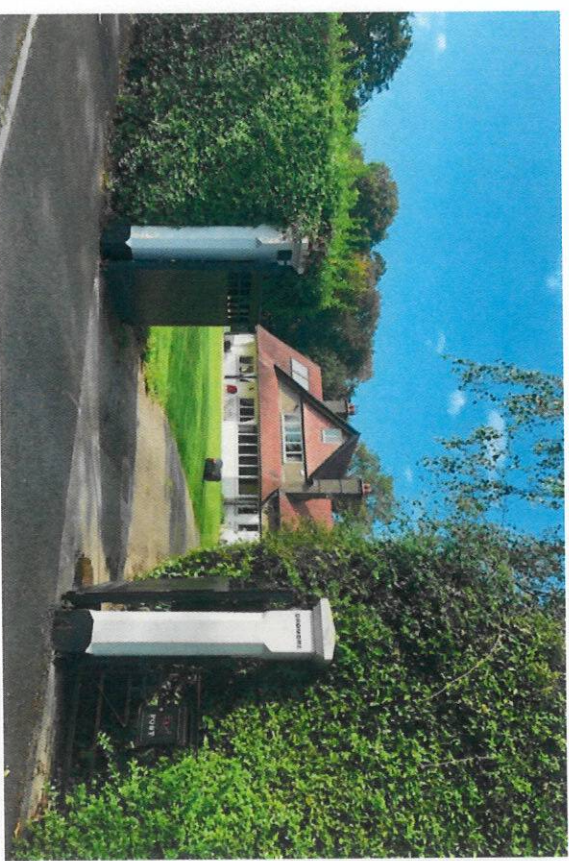


Fig. 32: View of Dromore on Portland Road.

## 4.7 TREES, HEDGROWS & GARDENS

The impressive hedgerows, mature trees and lush gardens of the Burnaby leave the strongest impression with a visitor to the estate, and are the fulfillment of the garden suburb ideal that Elizabeth Whitshed promoted. This is an important legacy, and one that is indivisible from the built heritage. Its landscaped setting also makes a large contribution to the biodiversity of Greystones.

Care was taken in planting and maintaining trees on the footpaths, and the practice of planting hedgerows along the policy railings gives privacy to the houses while also making walking as pleasant as on a country lane. It





would be very worthwhile to carry out a tree survey throughout the estate to identify the range and age of the mature trees, label them and create an inventory that would complement a related inventory of the built heritage.

Trees along the footpaths have been lost over the decades, a natural process, but which should be properly managed. The local authority should ensure that trees where they are lost are replaced with semi-mature trees that are protected from damage or vandalism. At such time as the trunk and roots of the fallen tree are sufficiently decayed to allow their removal, the footpaths and surfaces in the vicinity could be made good.

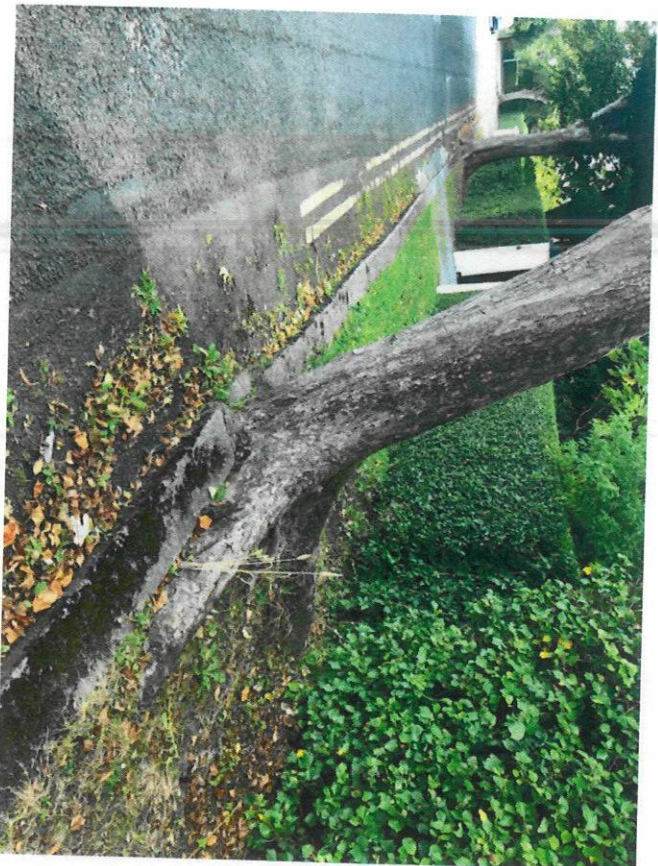


Fig. 33: View of tree causing damage to cast concrete kerb while being at risk of falling.

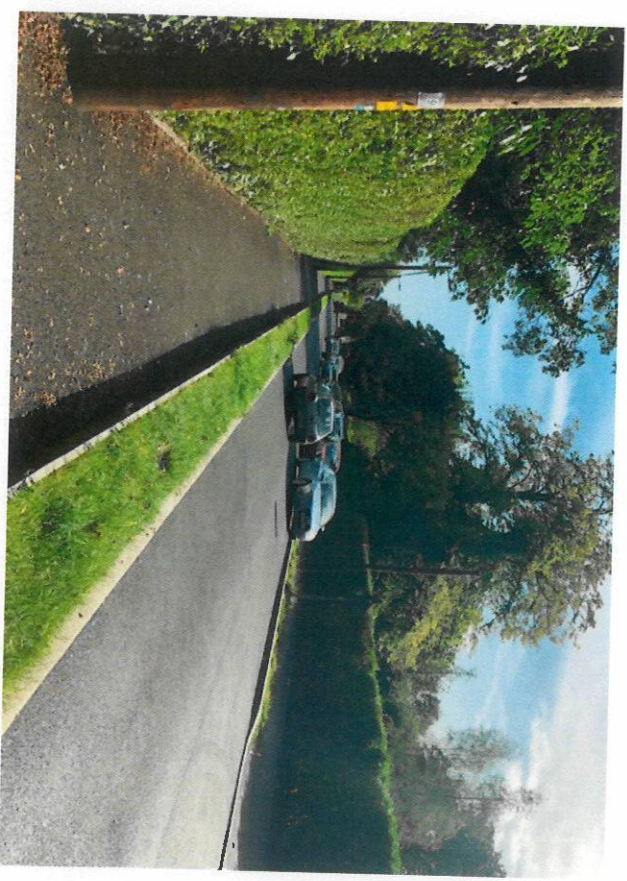


Fig. 34: View recent works to footpath to calm traffic along St Vincent Road.

## 4.8 ROADS & FOOTPATHS

Historic granite and cast concrete kerbs have survived to the present in many locations around the estate. Tree roots can disturb kerbs and footpaths, and require regular maintenance. Trees can also disturb railings, and this is a common cause of damage, along with neglect. Recent road schemes undertaken within the estate - signage; parking meters; line marking; traffic calming; have resulted in the loss of historic character, in some cases irreversibly.





Parking meters are located prominently, and along with line marking to parking bays disturb the semi-rural character of the roads. Traffic calming, in the form of narrowing the thoroughfares, affects the appearance of the roads. Where found, historic granite kerbs should be retained in situ, and repaired where necessary. Elsewhere the distinctive flat, broad cast-concrete kerbs predominate. These should be repaired rather than replaced with standard modern kerbs as has been the recent practice. Slipform concrete kerbing was used recently on St Vincent Road, instead of locally-sourced granite to supplement the original kerbs where they are found. This practice is in contravention of the ACA, and could be prevented with careful design and conservation of historic surfaces. Mews lanes should be maintained to the extent that their semi-rural character is preserved.



Fig. 35: View of mews lane to rear of Burnaby Road.

## 4.9 CONCLUSIONS

The Burnaby is a historic place of national significance, as an early and intact example of a housing estate; a form of settlement that was pre-eminent in the transformation of Irish towns and cities in Ireland in the twentieth century. The housing estate offered its residents the opportunity to enjoy the privacy and connection to nature offered in the countryside, while being close to all modern conveniences.

While the adoption of an ACA for The Burnaby showed foresight on behalf of Wicklow County Council, challenges remain in ensuring that the historic character of the area is preserved for future generations. The ACA report is too short to fully describe the cultural heritage that the estate represents, so that there is insufficient guidance for practitioners and residents who wish to enhance their properties or adapt them to suit their needs.

The principal risks to the Burnaby relate to the current zoning objective, the lack of rigorous enforcement of statutory protections and the need for more detail in the ACA document. Alterations to the historic dwellings - whether replacing cast iron gutters or installing new windows, do not appear to be properly controlled. This gradual loss of historic character means that, in time, their cultural heritage is diminished. Planning policy at the middle scale, when considering applications for extension or sub-division need to be more mindful of the careful placement of new wings so as not to overly dominate the original dwelling and its setting.

Of most concern, is the possibility that the new housing density and building height guidelines means that future proposals will seek to develop sites at The Burnaby for apartments as is happening in mature suburban areas closer to Dublin city, taking advantage of its proximity to the DART.



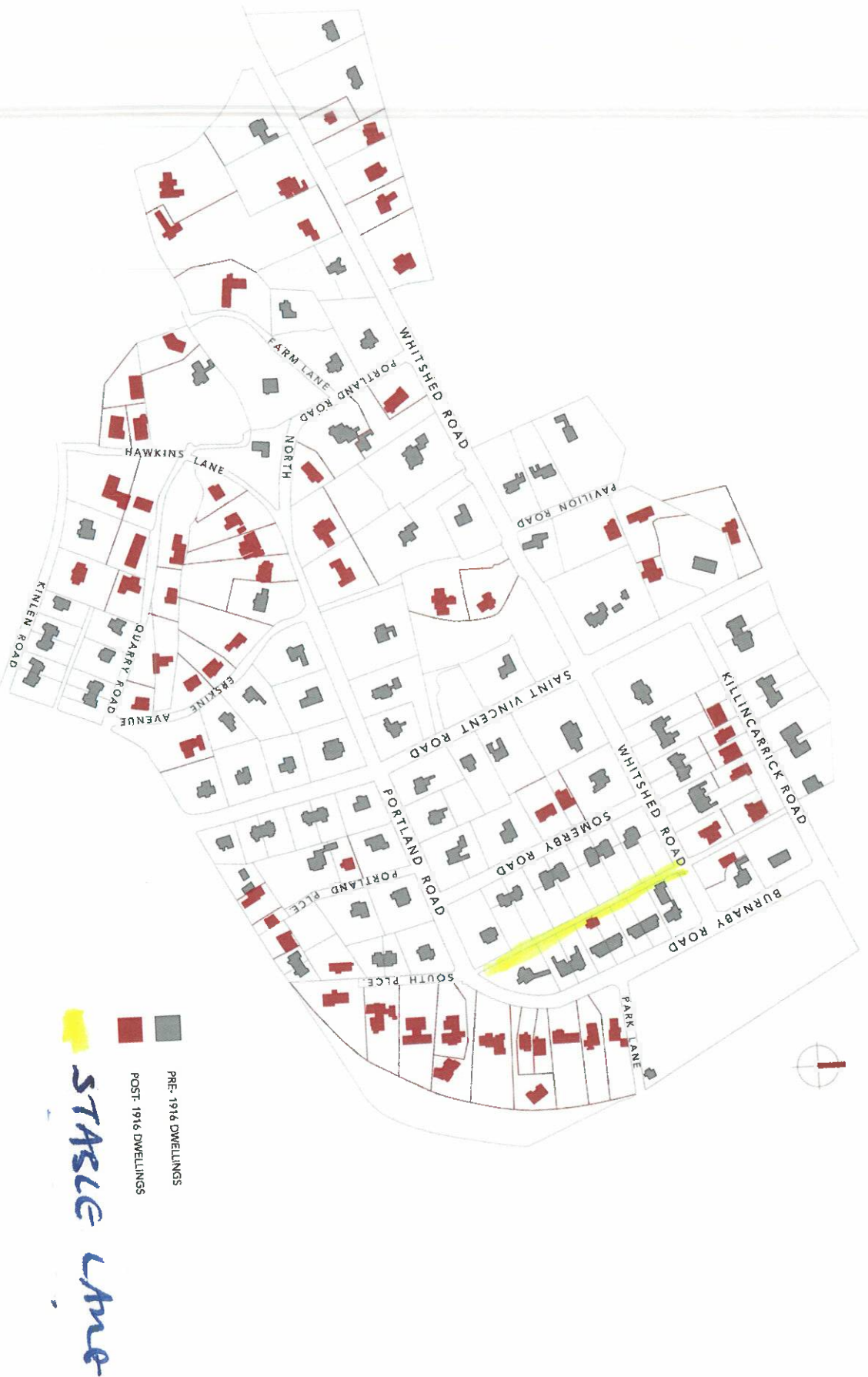


Fig. 11: Map showing increase in site density and subdivision from 1915 until the present.

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