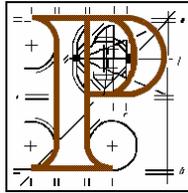


An Bord Pleanála



Inspector's Report

Development: Demolition of side ground floor extension and back garden shed; construction of part one and two storey extension to side and all associated works. (Protected Structure)

Site Address: 34 Belgrave Road, Dublin 6.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3333/12

Applicant: Amy-Yin Zhang

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellants: Belgrave Residents Association
Eón Ó Cuív

Type of Appeal: 3rd party -v- grant

Observers: An Taisce
Philip O'Reilly
Jim Byrne and Others
Rathmines Initiative

Date of Site Inspection: 23rd April 2013

Inspector: G. Ryan

1.0 SITE

- 1.1 The subject site is located in Dublin's south inner suburbs on Belgrave Road, part of one of the two main routes linking the centres of Rathmines and Ranelagh. The site is roughly equidistant between the two.
- 1.2 The area is suburban in character, and predominantly residential, with examples of individual building and groups of buildings from periods spanning a wide spectrum of the past 150 years from Georgian redbricks, to 1950s semi-detached, to simple 2-storey terraces, to 1980s apartment blocks. The subject house is one of a group of 4 'villa' style houses on the north side of Belgrave Road. To describe them as either a terrace or detached houses would be difficult; they are connected at ground level by screen walls, which lie within the property to the east in each instance, with accommodation behind, but they are separated by gaps at first floor level. The 4 houses share many features, including the first floor entrance level and double entrance stairs. The easternmost house (#36) differs in that it has bay windows and a small first floor element in its western 'gap', which covers perhaps the rearmost third of the building's depth, and is significantly lower in ceiling height than the main house. The two eastern houses (#35, #36) have a painted finish, while the subject site (#34) and its neighbour to the west (#33) have natural rendered finishes.
- 1.3 The house on the subject site is in poor repair, and it not occupied. While not derelict, I would not describe it as habitable in its current state. Damp, damage, and decay are evident throughout. The rear elevation of the property is notable in that there is a 'stub' return with stained glass stairlight. The rear garden has access onto a private laneway, which exits onto Belgrave Avenue.
- 1.4 The site area is given as 635.2m². The existing floor area of the house is given as 245.4m². The proposed floor area is given as 260.8m².

2.0 PROPOSAL

The scheme consists of works that can be summarised as follows: -

- 2.1 The demolition of the existing single storey element to the side, and its replacement with 2 storey structure over roughly the same footprint at ground floor level (set back slightly), and a smaller footprint at first floor level; set back by 2.2m from the front building line.
- 2.2 Internal alterations including removal of walls, creation of openings, addition of walls. The public notices detail the following additional works:
- The removal of the bathroom stud partitions and the repositioning of an internal door at ground floor level.

- The removal and replacement of the ground floor concrete floor.
- Restoration of the internal plaster works.
- The repair and reslating, where required of the main roof with selected natural slate to match existing.
- The replacement/repair of damage rain water goods.
- The introduction of solar panels to the back south pitch of the roof.
- Measures to eliminate rising damp at ground floor level.
- The introduction of new heating, plumbing and rewiring of all electrical services, including the fire detection and alarm system for the building.
- The refurbishment of original windows and doors and the replacement of UPVC external joinery in timber.
- New landscaping the front and back garden
- Redecoration of all interiors.

2.3 The painting of the building's exterior.

2.4 The application to the planning authority included a number of attachments and supporting documents, the most relevant of which are listed and summarised below: -

2.4.1 A Civil and Structural Engineering Planning Report by Doherty Finegan Kelly Consulting Civil and Structural Engineers. This report states that the new 2-storey extension would be supported on a new 215mm solid block wall running alongside the gable wall of No. 33 Belgrave Road. A sketch section of the proposed interface at the foundations is included. Other aspects of construction and repair methodology are outlined.

2.4.2 A Structural Appraisal report is also included. It schedules aspects of disrepair within the property and presents a number of recommendations. A large number of colour photographs of the building's interior and exterior are included.

2.4.3 A Conservation Report/Statement by the applicant's architect, Flavio Lombardo. Some points of note are as follows:

2.4.3.1 The dwelling was built in 1861-1862, is recorded in the OS map of 1865-1866 under the name of 'Ventnor Cottage', and was located between 'Solferino Lodge' to the east and 'Belgrave Lodge' to the west.

2.4.3.2 The present layout suggests that an attached side extension was demolished at some stage and a new ground floor extension, running the full depth of the house was added.

2.4.3.3 The report provides a detailed written description of the building's internal and external features, and their condition.

2.4.3.4 The house is of some interest in its setting. The dominance of these villa style houses has not been affected, and they

maintain their historic setting and create their particular environment.

- 2.4.3.5 The proposed first floor extension is set back from the main façade. It is only visible from the street from a direct front or slight side angle view, and is not visible from a distance.
- 2.4.3.6 It is proposed to paint the walls with a breathable paint in a white-creamy colour to match the colour of Solferino Lodge to the east.
- 2.4.3.7 The new extensions to the side give an opportunity to organise the services for the bathrooms and kitchen vertically in this new area, minimising service penetration into the floors and ceilings of the original house.
- 2.4.3.8 OS maps from 1865/66, 1878/80, and 1908/09 are included, as are a number of additional internal and external photos.
- 2.4.3.9 A report regarding refurbishment of the sash windows is included.
- 2.4.3.10 Photos and details of precedents in the vicinity are included (See Section 5.0 below)

3.0 SUMMARY OF REPORTS TO THE PLANNING AUTHORITY

3.1 Planning Officers report

The issues raised in the planning officer's report can be summarised as follows: -

- 3.1.1 Notes that a pre-planning meeting was held and it was indicated that a first floor element should be set back to reduce its prominence and that the proposal would need to be justified.
- 3.1.2 Notes that the existing kitchen element to the side is in a poor state of repair. Its demolition is considered acceptable.
- 3.1.3 The first floor extension would be subordinate to the main building by virtue of its setback of 2.2m from the front building line, and that its floor to ceiling height would be lower than the existing first floor reception rooms.
- 3.1.4 The placing of the ensuite and kitchen within the extension allows for less internal work to the house. Removing the pantry will allow for the room to revert to its original size.
- 3.1.5 Notes the precedents presented by the applicant, particularly at 36 Belgrave Road.

- 3.1.6 In relation to the objection from the adjoining neighbour to the west, a planning permission does not override a person's legal rights.
- 3.1.7 The internal works are considered reasonable.
- 3.1.8 Notes the concerns of the Conservation Officer. Given the precedents in the vicinity, and the measures taken to reduce its visibility, the first floor extension is considered acceptable.

3.2 Departmental Reports

3.2.1 *Conservation Officer:* -

The main points raised in this report are as follows.

- 3.2.1.1 Recommends that the applicant be requested to confirm the scope and specification of the proposed conservation works (details given).
- 3.2.1.2 Dry lining systems are not supported in protected structures.
- 3.2.1.3 Requests that site exemplars be provided.
- 3.2.1.4 Details on the screen wall are to be clarified, and its demolition is to be omitted where historic fabric is revealed.
- 3.2.1.5 The submission from the design team is exemplary. In general, the works are supported by the Conservation Officer.
- 3.2.1.6 The addition of the first floor to the side is the key issue. The previous ground floor side extension was successfully added without adverse effect. Development above the screen wall's coping line is unfortunate as it encroaches on the main classically proportioned facades of the protected terrace and detracts from their distinctive plan form and visual expression.
- 3.2.1.7 A setback is suggested but it would be clearly discernible.
- 3.2.1.8 The conservation officer recommends the omission of the proposed first floor accommodation and the relocation of the kitchen function within the existing plan form.

3.2.2 *Drainage Division:* -

No objections subject to conditions.

3.3 Representations

Objections were submitted on behalf of the current appellants and observers. The matters raised in these objections are largely reflected in the appeal grounds summarised in section 7.0 below.

4.0 PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 8 conditions, many of which could be considered 'standard' conditions. Others of note can be summarised as follows:-

- 2 Requires the submission of details regarding detailing and specifications.
- 3 The rear window to the kitchen is to be obscurely glazed.
- 6 Requires the supervision of works by an architect or expert with specialised conservation expertise.

No financial contribution condition or bond was applied.

5.0 HISTORY

PL29S.241371 (planning authority ref 3242/12) – Permission refused by the planning authority on a concurrent proposal to create a vehicular access at this property. This refusal was appealed by the applicant to the board, but the application was subsequently withdrawn.

The parties to the appeal present a number of precedents to support their differing standpoints. In the interests of clarity, they are presented in the table below

Address	Reference Number	Proposal included	Presented by	Decision
5 Zion Road, Rathgar, Dublin 6.	PL29S.214399 (3851/05)	2 storey side extension	Eón Ó Cuív (Rebutted by applicant)	Refuse. The proposed 2 storey extension "would materially and adversely affect the detached character of this protected structure's principal elevation and would not safeguard its architectural special interest and streetscape value."
36 Belgrave Road	Not known	First floor side element in existence	Applicant (Rebutted by Eón Ó Cuív)	N/A

54 Dunville Avenue	PL29S. 206995 (1435/04)	2-storey side extension	Applicant	Grant (Appeal was 1 st Party –v- Condition only. The board decided to remove a condition that would have amended the design of the extension)
31-33 Dunville Avenue	PL29S. 220557 (4706/06)	2-storey side extensions to both 'free' ends of a pair of semi-detached houses.	Applicant	Grant.
14 Dunville Avenue	3744/98	2-storey side extension	Applicant.	Grant

6.0 POLICY

6.1 Dublin City Development Plan 2011-2017

The subject building is a protected structure. It is located in an area zoned Z2 which is 'to provide for and or improve the amenities of residential conservation areas'. The site is not in an *Architectural Conservation Area* (ACA), but by virtue of the Z2 zoning is covered by policies referring to 'Conservation Areas'.

Section 7.2.5.2 deals with Protected Structures and the Built Heritage. Some excerpts of note are as follows

Policy FC31: To maintain and enhance the potential of protected structures and other buildings of architectural/historic merit to contribute to the cultural character and identity of the place, including identifying appropriate viable contemporary uses.

Section 17.10.1 deals with 'Works to Protected Structures', and sets out a number of recommendations and requirement, the most relevant of which can be summarised as follows:

In considering proposals for works to protected structures and their attendant grounds attention will be paid to preserving architectural features of special interest and to the scale, proportions, design and materials of such works in relation to the existing.

Section 17.10.8.1 deals with Development in Conservation Areas, which covers the 'Z2' zoning. Some relevant excerpts are as follows:

New alterations and extensions should complement existing buildings/structures in terms of design, external finishes, colour, texture, windows/doors/roof/chimney/design and other details.

Appendix 10 deals with Protected Structures and Buildings in Conservation Areas. It deals with a number of specific scenarios not directly relevant to the subject case.

6.2 Architectural Heritage Protection Guidelines

Produced in 2011 by the Department of Environment, Heritage, and Local Government, these guidelines were issued under Section 28 of the Planning and Development Act 2000. As such, planning authorities are obliged to have regard to these guidelines in the performance of their functions. The board, under S28(2) is obliged, where applicable, to have regard such guidelines issued to planning authorities in the performance of its functions.

Chapter 6 deals with Development Control, with section 6.8 covering 'General Types of Development'. The following excerpts are of relevance to the matters raised in the subject appeal. I have highlighted sections of particular note.

- 6.8.1 *It will often be necessary to permit appropriate new extensions to protected structures in order to make them **fit for modern living** and to keep them in **viable economic use**. Where the existing exterior appearance of a structure is of special interest, and its interior is of sufficient size, it may be possible to incorporate new functions or services **within the existing envelope** of the structure. With flexibility and imagination, it may be possible to use secondary spaces within the building, obviating the need to extend, where there would be minimal impact on fixtures and features of special interest. **The cumulative effect of minor additions** can compromise the special interest of a structure and the character of an ACA. The planning authority should consider this when assessing a proposal for even small extensions.*
- 6.8.2 *If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, **principal elevations of a protected structure (not necessarily just the façade)** should not be adversely affected by **new extensions**. The design of **symmetrical buildings or elevations** should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.*
- 6.8.3 *Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions **does not necessarily need to imitate historical styles** or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be*

executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

6.8.5 *In urban areas, careful consideration needs to be given to proposals for the construction of **rear extensions** to protected structures and buildings within ACAs. Rear elevations sometimes contain fabric that is useful in reading the history of the structure, for example surviving older windows or doors. The effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as in a terrace), and this should be considered by the planning authority when assessing applications.*

6.8.7 *There may be cases where the planning authority considers that additions cannot be permitted without seriously compromising the architectural significance of a protected structure or its setting; alternatively that they would be detrimental to the character of an ACA. In such cases, the proposals **should not be permitted**.*

The following section is of relevance on the issue of the proposed painting of the protected structure.

8.4.20 *Proposals to paint façades not previously painted should be carefully scrutinised. Permission should not normally be given for previously unpainted walls of protected structures to be painted over (except for the addition of shelter-coating). The use of cement-based or other waterproof and hard gloss paints should not be permitted on surfaces covered with traditional render, as they will cause damage to the historic fabric. Similarly, the partial painting of brick or stone façades around shopfronts or to display advertising material should be avoided.*

7.0 GROUNDS OF APPEAL

The two 3rd party appeals were submitted by Belgrave Residents Association, with an address in Rathmines, and Eón Ó Cuív, whose address is given as the adjoining property to the west. The main grounds of these appeals can be summarised as follows:

7.1 Belgrave Residents Association

7.1.1 The proposed 2 storey extension would take away from the detached nature of this row of houses, which is a distinctive feature of this part of the area.

- 7.1.2 The proposed development is inconsistent with Section 7 of Appendix 25 of the City Development Plan, which seeks to resist extensions to the front, which break the building line.
- 7.1.3 Notes that the Conservation Officer's report recommended the omission of the proposed first floor extension, but that this did not find its way into the report's 'list of recommendations'. Asserts that the CO's report was misrepresented in the Planning Officer's Report.
- 7.2 Eón Ó Cuív
- 7.2.1 The proposed 2 storey extension would be contrary to the Architectural Heritage Protection Guidelines, the Z2 zoning, and other policies in the City Development Plan. The 2 storey extension would adversely affect the protected structure's principal elevation, disrupt its symmetries, and would not safeguard its architectural special interest and streetscape value. The gap between the houses is an important feature of these villa style houses. At the time they were built, many terraces were being developed, and they quite literally stand apart from this alternative and more common period style. This is reflected in their names, 'lodge' and 'villa'.
- 7.2.2 Contrary to the planning officer's contention, the extension would be visible from the public domain both front and back. It is visible within an 86° angle, i.e. from all but the most oblique angles.
- 7.2.3 The proposed development would reduce the value of the appellant's property (No. 33). It would require works to the appellants property [rainwater goods etc.] for which consent has not been examined. The proposed development would extend into the space beneath the appellants' eaves. Questions the application's validity in this regard. The appellants' gable wall would not be able to 'breathe'.
- 7.2.4 The grant of permission is contrary to the Conservation Officer's report. Aspects of the 3rd party submissions were not considered. Notes that the pre-application consultation raised concerns about the first floor extension.
- 7.2.5 Recognises that the subject property needs refurbishment. Asserts that a kitchen could be accommodated within the existing floorplate. The notion that the extension forms part of an overall conservation strategy should be set aside.
- 7.2.6 A number of annotated photographs are included to illustrate the appellants' points.
- 7.2.7 Refers to the protection afforded to symmetrical elevations under 6.8.2 of the Architectural Heritage Protection Guidelines, and to excerpts from the City Development Plan, including those relating to Conservation Areas.

- 7.2.8 Refers to contrary precedent under 3851/05 at 5 Zion Road.
- 7.2.9 The proposal to paint the unpainted render exterior would be contrary to the advice of conservation manuals and official guidelines. Cites Section 8.4.20 of the Architectural Heritage Protection Guidelines in this regard.
- 7.2.10 The screen wall between the two properties should be maintained, and development should take place behind this. As such, the ground floor portion of the proposal is acceptable, subject to agreed detailing.
- 7.2.11 Provides a chronology of the development of these houses (P7/25).
- 7.2.12 The example of a first floor side element at No. 36 can be distinguished from the subject case in that it is set back twice as far from the front elevation as the subject proposal, and is lower in profile. Also, No. 36 is different in its detailing to Nos. 33, 34, and 35, by virtue of having bay windows. It is also contended that the first floor side element at No. 36 does indeed detract from the visual amenity of the area, and simply highlights the failures of the past. It is not an example to be followed. Notes that the extension of No. 35 was to the rear only.

8.0 SUMMARY OF RESPONSES

8.1 Planning Authority

The planning authority have not responded to the matters raised in the appeal.

8.2 First Party Response to Third Party Appeal

A response submitted by Stephen Little and Associates Planning Consultants on behalf of the applicant counters the grounds of the appeal. The main points of note in this submission, other than matters raised heretofore by the applicant can be summarised as follows:

- 8.2.1 At present, the living and sleeping accommodation area variously located across both floors of the house, which is not ideal.
- 8.2.2 Having considered the possibility of an extension to the rear of the property, it was determined that the impact on the character of the protected structure would be severe.
- 8.2.3 In overall terms, the proposed development amounts to just a 6.8% increase in floor area.
- 8.2.4 The rainwater goods on the shared exterior wall of No. 33 rest over lands that are within the applicant's ownership and control. It is a matter for the planning authority to validate, or otherwise, a planning application.

- 8.2.5 The submission presents a range of arguments asserting that the proposed first floor extension is in compliance with guidelines, policy and good practice.
- 8.2.6 The front building line would not be broken, as claimed by the appellants.
- 8.2.7 Provides drawings of the proposed front elevation at 5 Zion Road, cited by the appellants as an example where a 2-storey side extension was refused. Asserts that this is not relevant, as what was proposed was a full-height extension in the same plane as the front building line.
- 8.2.8 A legal opinion is included regarding boundary issues.

9.0 OBSERVERS

A total of 4 observations have been submitted from the following parties

- An Taisce
- Philip O'Reilly
- Jim Byrne and Others
- Rathmines Initiative

The main issues raised in these observations are reflected in the appeal grounds summarised in section 7.0 above.

10.0 ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of Development
- Impact of first floor extension on character of protected structure
- Impact of painting and loss of screen wall on character of protected structure.
- Boundary and legal matters
- Screening for Appropriate Assessment

10.1 Principle of Development

- 10.1.1 This proposal for residential development in a residentially zoned area is constant with the zoning objective. There are precedents for an extension to the existing built form within this group of 4 houses at #35 (single storey rear) and #36 (2 storey side (partial depth)).
- 10.1.2 The house is in a poor state and uninhabitable, and it would be beneficial in terms of the preservation of this protected structure if it were to be brought back into use as a residence, in line with Policy FC31 of the City Development Plan. I consider that the internal works

proposed are commendable, and it is worth noting that all parties to the appeal and all reports to the planning authority are in agreement on this matter.

10.1.3 As such, the proposed development is acceptable in principle.

10.2 Impact of first floor extension on character of protected structure

10.2.1 At the outset, the extent to which the space between #34 and #33 contributes to the character of these protected structures and the streetscape should be considered. The area consists of a wide variety of housetypes and designs, including an array of 19th century residential buildings such as the subject building. All over Dublin 6 there is a scattering of examples, individually, but predominantly in groups, of different approaches to house building, from terraces to semi-detached to detached, from redbrick to render to painted finishes, from ground level access to raised entrance levels.

10.2.2 The subject building and its 'sister' buildings from #33 to #36 present their own set of characteristics which are variously commonplace, notable, or peculiar. The front doors, for example, would be very commonplace in 19th Century housetypes. More notable is the double entrance stairs, which would be a less frequent feature in the area. In my opinion, the deliberate spacing between the individual houses, evident at first floor level, falls into this latter category. It is my opinion that, if you were to ask a number of people, professional or otherwise, to list 5 notable things about these buildings' design, many would cite this spacing.

10.2.3 As such, this 'fresh air' is a defining feature of these protected structures, in my opinion, and contributes significantly to their character. The key question in this appeal is whether the filling of part of this gap with a first floor extension would be detrimental to such an extent as would warrant a refusal, or an omission by condition.

10.2.4 The parties to the appeal have articulated their opposing positions on this matter clearly, and with useful reference to policy (see section 6.0 above) and precedent (see section 5.0 above). On the issue of precedent, I would like to make reference to 2 in particular. The example at 5 Zion Road, presented by the appellant, refused by the board, is stated by the applicant to be differentiable from the subject proposal in terms of its scale and extent. The first party response to the appeal presents drawings showing the proposed elevation. I would concur with the applicant on this matter. If such a design were to be proposed in this instance, it would be clearly unacceptable.

10.2.5 Turning to the contrary position, the applicant argues that the first floor element to the side of #36 is a precedent in support of the subject proposal. The appellant argues that this is differentiable in that it is set back twice as far, and also asserts that it is not necessarily an appropriate benchmark for appropriate development. I concur with the

appellant on both fronts. The subject proposal would be significantly more visible. Furthermore, it is no certainty that the extension to #36 would be considered acceptable by contemporary standard.

10.2.6 A range of other examples of 2 storey side extensions are presented by the applicant, along with photographs and planning reference numbers. This is helpful and useful, and it is notable that there are so many in close proximity. However, in all the examples given, it is my opinion that there are no instances whereby the space between the buildings and the symmetry of the elevations was as central to the buildings' character as in the subject case.

10.2.7 Looking beyond the question of precedents, the DoEHLG's 'Architectural Heritage Protection Guidelines' provide good clear recommendations on this issue, as summarised in section 6.2 above. It is worth noting that Section 6.8.1 emphasises that it will often be necessary to permit new extensions to protected structures in order to make them fit for modern living. In my opinion, the rationale for the subject proposal is based on a preference, albeit reasonable and understandable, rather than a necessity. It is clear from the previous 150 years of existence and the habitation of its 3 sister buildings that a first floor extension is not critical to this building being made fit for modern living. On this matter, Section 6.8.1 of the Guidelines suggests that it may be possible to incorporate new functions or services within the existing envelope, as indeed is suggested by the appellants and the conservation officer.

10.2.8 I note Section 6.8.2 of the guidelines where they state that the design of symmetrical buildings or elevations should not be compromised. Such considerations would apply to the subject proposal. I note that section 6.8.3 says that attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. While the form of the extension would be a departure from the original building form, I note the proposal to have the same finishes (painted render) as the main building, which would lead to a poor distinction with the existing building, and would affect negatively on the legibility of the original building form. If the extension were to be considered acceptable, I would recommend that a clearer distinction would be appropriate.

10.2.9 I note the applicant's contention that the extension would only be visible from 'head on'. The appellants contend that it would be visible through an angle of 86° . Notwithstanding the setback, it is my opinion that the basic impact would not be ameliorated to an acceptable extent. The sector from which the extension would be visible is the same sector from which the separation of the buildings can be 'read'. The fact that it would not be visible from oblique angles is something of a moot point.

10.2.10 In my opinion, the first floor extension would be detrimental to the character of the protected structure to such an extent as would

warrant a refusal of permission or omission by condition. In this regard, I concur with the appellants, observers, and with the planning authority's Conservation Officer. I note that for such an impact, an increase in floor area of just 6.8% would accrue to the applicant.

10.2.11 Looking briefly at the consideration of alternatives beyond the subject proposal and beyond internal alterations, I note the applicant's contention that a rear extension was not perused due to potential impacts on the rear elevation. I consider that this was a valid concern, primarily due to the stairlight in the rear 'stub' return, and associated detailing and fenestration. I do note however that a rear single storey extension was added to #35, set to one side of the 'return', along the property boundary, albeit that this might run contrary to the applicant's objective to provide all reception rooms at first floor level.

10.3 Impact of painting and loss of screen wall on character of protected structure

10.3.1 On the issue of painting the external render, I note that the 2 easternmost houses, #35 and #36 have painted finishes, while the subject property and #33 retain their rendered exterior. I note that Section 8.4.20 of the Architectural Heritage Protection Guidelines state that permission should not normally be given for previously unpainted walls of protected structures to be painted over. On the basis of this clear guidance, and given that this is a defining feature of the building, I recommend that this aspect of the scheme should be refused or 'conditioned out'. In this regard, I concur with the appellant.

10.3.2 The proposed removal of the screen wall at ground floor level, to be replaced by a new set-back front (southern) wall of the ground floor extension, is not appropriate, in my opinion. In this regard, I concur with the Conservation Officer. The fabric of his wall, or at the very least its profile and detailing, should be retained in any redevelopment of the site.

10.4 Boundary and legal matters

10.4.1 I concur with the Planning Officer on this matter. I consider that the proposed development can be assessed on its merits, notwithstanding the opposing positions on boundary and legal issues. A grant of permission would not authorise any works that would be otherwise prohibited for legal reasons.

10.5 Screening for Appropriate Assessment

10.5.1 The proposed development is not in proximity to or connected with in any way a Natura 2000 site. It is my opinion that due to the nature and scale of the proposal before the board, the proposed development is not likely to have significant effects on any European Site, in light of its conservation objectives, and that consequently, a Natura Impact Statement is not required.

11.0 CONCLUSION AND RECOMMENDATION

Based on the above, I recommend that the first floor extension be omitted, that the ground floor screen wall be retained, and that the proposed painting of the building's exterior be prohibited. As such, a recommendation to refuse permission might be considered appropriate given the proportion of the scheme that these works constitute. However, I recommend that permission be granted in order to facilitate internal works pending an agreeable outcome on the proposed location of a kitchen, which may require a subsequent planning application.

12.0 REASONS AND CONSIDERATIONS

Having regard to the provisions of the current development plan for the area, the relationship to adjoining properties, and the prevailing character of the area, it is considered that the proposed development would not be unduly injurious to the residential amenities or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) The first floor element of the side extension shall be omitted in its entirety.
 - b) The existing screen wall to the south side of the proposed ensuite at ground floor level shall be retained in situ. A small window opening maybe added.
 - c) The exterior of the building may not be painted.

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

Reason: In the interests of preserving the features of interest and the special character of this protected structure and its setting in the interests of the proper planning and suitable development of the area.

3. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

4. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

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

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: To ensure adequate servicing of the development, to prevent pollution, and in the interests of traffic safety.

G. Ryan
Planning Inspector
26th April 2013