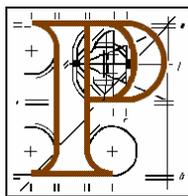

An Bord Pleanála



Inspector's Report

Development:

Permission for development consisting of internal alterations and refurbishment of the existing four storey terraced dwelling to include new plumbing and wiring, the re-roofing of existing vaulted cellar to front of house, modification of window in rear elevation and associated external terracing and landscaping to the rear, including the repair and reinstatement of existing stone boundary walls, a new roof-light in roof above bathroom and solar panel. The internal alterations include, at first floor (level +1), the formation of new opening in central cross wall to enlarge existing bathroom and removal in part of partition wall at entrance to master bedroom. At level -1, the formation of a large opening in each of two cross walls, the blocking up of an existing doorway and formation of new opening between family room and pantry, enlarge existing fireplace opening in family room, remove existing dividing wall to the rear between kitchen and dining room, remove raised floor and form opening in original floor to level -2 below, remove existing staircase and provide new stairs in existing stairwell between ground floor (level 0) and level -2. At level -2, remove existing floor and reinstate with new slab at lower level, form large opening in each of two flanking walls to central passage, remove existing bathroom, tool room and wine store, provide new bathroom, break out wall below 2 no. existing internal window openings in cross wall and form 2 no. new doorways in lieu. Externally at front of house, remove existing granite steps to level -1 and roof of vaulted cellar and form new roof and steps with new paving and railings to match existing, block up 2 no. existing openings and provide 2 no. new openings in cellar walls. Externally at rear of house, break out wall below central window of dining room at level -1 and provide new access door and steps to existing upper terrace. Reinststate external cast iron spiral stairs from living room (level 0) to upper terrace. Remove existing external timber steps from upper terrace to middle terrace outside level -2 and repair original balustrade. At middle terrace, remove existing granite steps and railing outside rear entrance, repair and reinststate. Utilizing existing garden and terrace levels, form new garden layout, including garden store located beneath middle terrace, steps, related paved terraced areas and lawn, to include rainwater harvesting system and provide new informal landscaping to grounds to the rear of this garden beyond lawn. A Protected Structure in an Architectural Conservation Area.

File Reference PL 06D.242304

Planning Application

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.: D13A/0266

Applicant: Mr Rupert Egan

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

Type of Appeal: Third Party – v - Grant

Appellant: Mr Terence Coleman

Observer: An Taisce

Date of Site Inspection: 25th September 2013

Inspector Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The site forms part of Sorrento Terrace, a landmark residential terrace of notable architectural heritage in Dalkey in south Co. Dublin. The terrace is formed by 8 no. dwellings that front onto Sorrento Road, there are significant drops in ground levels across the site from the road down to the sea at the rear of the terrace. On the road side the subject dwelling reads as a two storey over a lower basement whereas from the seaward side the dwelling reads as a four storey structure, the two lower floors (i.e. 2 no. basement levels) accommodate what would have been the original kitchen/pantry/wine cellar/servants quarters. Notwithstanding a number of interventions over the years, the subject dwelling retains most of its original fabric and is in good condition. The application site is the second plot on the eastern side of the terrace. A number of photographs were taken on the day of the site inspection and these are included in the appendix attached to this report. In addition, the application and appeal response contains a number of photographs (including an ‘Architectural Inventory & Photographic Survey’) which I consider to be an accurate and honest representation of the condition of the dwelling.

2.0 THE PROPOSED DEVELOPMENT

A number of works are proposed to this protected structure. The majority of the work is concentrated in the two basement levels which are to be effectively reconfigured to house living/dining/kitchen/study/bedroom accommodation for the most part in an open plan type layout. The works proposed at these two lower levels entail, *inter alia*, removal of original walls and doors, the lowering of the lower basement floor, a large opening in the upper basement floor to accommodate a glazed section to provide secondary lighting to the basement level below, the opening up of the floor at this upper basement level also to accommodate new access steps to the terraced area to the rear. The original stairs from the ground level down to the two lower basement levels is to be replaced with new stairs. The proposed development entails the construction of a garden store and terrace level below, and to the rear, of the existing dwelling. Works are also proposed to the cellar area at the front of the building to include the removal and replacement of the existing external steps to the cellar area. It is also proposed to reinstate an external spiral stairs at the rear of the dwelling. Works are proposed to the grounds in the rear garden area including works to the garden party walls between the appeal site and nos. 1 and 3 Sorrento Terrace. Some works are also proposed at first floor level where walls are to be reconfigured to accommodate a family bathroom.

3.0 THE DEVELOPMENT PLAN

The appeal site is zoned Objective ‘A – To protect and/or improve residential amenity’. The subject dwelling is a protected structure and is located within a designated Architectural Conservation Area (ACA).

4.0 PLANNING HISTORY

In am not aware of any directly relevant planning decision pertaining to the application site. I note the contents of the ‘Pre-planning Application Record’

(PAC/023/13) relating to the current application. It records ‘no planning issues’ but notes the concerns of the Conservation Officer regarding the loss of original fabric (internal walls) at lower basement level

5.0 PLANNING AUTHORITY’S REPORTS

Planner’s Report dated 16/07/13: permission recommended subject to conditions.

Conservation Officer Report dated 12/06/13: The works proposed will not significantly impact the architectural interest of the protected structure or character of the ACA, 3 recommendations made.

Senior Executive Parks Superintendent Report dated 19/06/13: No objection subject to conditions.

Transportation Planning Report dated 05/07/13: No objection subject to 1 no. condition.

Objections/Observations: Objection/observation on file addressed to the p.a. makes reference to the following: impact of spiral stairs; possible impact on structural works; external works proposed; tree removal; rear garden wall; noise, and disruption.

6.0 THE PLANNING AUTHORITY’S DECISION

By order dated 18th July 2013 the planning authority decided to grant permission subject to 8 no. conditions.

7.0 GROUNDS OF APPEAL

Mr Terence Coleman, No. 1 Sorrento Terrace, Dalkey, Co. Dublin.

The contents of the appeal by the above can be summarised as follows:

- The application should be refused in its current form.
- It will have a major negative impact on the appellant’s property.
- It will carry an unacceptable level of risk to the historic fabric of No. 1 particularly during the course of the building works.
- It will have a negative impact on the amenity of No. 1 with regard to overlooking.
- The grounds of concern can be broken down into the following main areas:
 - Spiral stairs from ground level to terrace level. (Concern relates to likely impact on the privacy of the appellant’s adjoining balcony from overlooking.)
 - Impact of structural works. If works are not undertaken properly they could have a negative impact on the appellant’s home, taking into account the scale of the works, proximity to the appellant’s property and the connectivity of these historic buildings. These are works to a protected structure. FI is needed on, *inter alia*, make up of existing basement floors, ground conditions adjacent the rear wall and information on the foundations of the structural walls. Works proposed to the upper basement kitchen fireplace in the party wall of

specific concern. Rock removal and/or underpinning, which are highly likely required for the lowering of the basement floor levels, are a concern.

- External works, garden store. Rock removal and underpinning for the garden store is a concern. Risk of damage through vibration, movement and/or subsidence would be significant and should be avoided. Trees should be protected during construction.
- Rear garden walls. The walls are in fact party walls and no works can proceed without consent with adjoining owner.
- Noise and disruption.
- The appeal is accompanied by a report by a Conservation Architect. This report makes reference to, *inter alia*, impacts from: the excavation and removal of rock externally to form terrace against rear wall; the formation of large openings in the upper basement spine wall; the removal of rock from within the footprint of No. 2 and the lowering of floor level within by excavation together with the possible underpinning of party wall to No. 1; removal of internal load-bearing walls at lower basement level; formation of opening in upper basement floor, and works to basement chimneybreast. The Conservation Architect concludes that the works are extraordinarily risky, pose huge threat to the stability of the structure and interiors of No. 1.
- The appeal is accompanied by a report by Consulting Engineers. This report makes reference to, *inter alia*, the following: potential impact from excavation and construction of the rear garden for a new terrace with underlying garden store and steps; potential impacts from the formation of large openings in the spine wall at upper basement level; potential impacts from the lowering of the lower basement floor slab; potential impact from the removal of load bearing walls at lower basement; potential impacts from the formation of large openings in the upper basement floor structure for installation of proposed glass floor, and potential impacts from works to the chimney breast to accommodate a stove. The report makes a number of recommendations for conditions should the board decide to grant permission.

8.0 OBSERVER

An Taisce

The contents of the observer submission from the above can be summarised as follows:

- The proposal affects a significant mid C19th terrace which was constructed as an integral unit.
- The terrace is amongst the most prominently sited protected structures in the country.
- The appellant's consultant has raised significant issues on the maintenance of No. 2 and the impact on the adjoining terraced properties.
- The potential impact of rock breaking in particular is problematic.
- The significant issues raised by the appellant need to be addressed in detail.

9.0 RESPONSE TO GROUNDS OF APPEAL

Planning Authority:

The contents of the planning authority's response to the grounds of appeal can be summarised as follows:

- There were original spiral external stairs to the rear of the property and part of the proposal is to reinstate these stairs.
- It should be noted that there is a staircase at the same level to the rear of No. 3 on the submitted drawings.
- As it is a staircase it is not considered that it will lead to undue overlooking of the adjoining property.
- A site visit was conducted by both the planner and conservation officer.
- It is not considered necessary to restrict the regular construction hours further.

The Applicant:

The contents of the applicant's response to the grounds of appeal can be summarised as follows:

- The proposed alterations to No. 2 are considerably less and certainly no more invasive than those already undertaken at No. 1 (the appellant's property).
- The applicant sees no evidence that these earlier works at No. 1 have negatively impacted on No. 2.
- The applicant's design team are of the professional opinion that the works can be undertaken without negatively impacting on No. 1 and all due care and diligence will be executed in both the preparation and undertaking of the work.
- The applicant refers the Board to revised proposals in response to the conditions attached to the p.a. decision.
- Considerable opening up and investigation of the existing original fabric was undertaken prior to the preparation of the planning application consisting of no less than 9 no. trial holes.
- The proposed development is based on a sound understanding and interpretation of the existing fabric and the underlying ground conditions.
- The trial holes have been investigated and dug as deep as is practicable by hand in each location to establish the level of the existing foundations and the level of the underlying rock strata.
- The p.a. Planning Officer and the p.a. Conservation Officer visited the site and thoroughly inspected it.
- The Conservation Officer subsequently made a return visit, on both occasions she was issued with a complete set of relevant documentation and all proposed modifications were discussed in detail in-situ prior to any decision being made by the authority.
- A matching spiral staircase is to be reinstated in its original position.
- A similar arrangement in relation to the spiral stairs is visible at No. 3.
- The use of the staircase is periodic only and therefore does not result in persistent overlooking.
- The rear kitchen balcony and garden of No. 1 can currently be readily viewed from the windows of the main living room and master bedroom of No. 2 (the appeal site).

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- In relation to possible impact of structural works, all works to terraced structures carries with it an element of risk and these require proper management in the execution of the works.
 - The proposed works do not constitute an unacceptable risk.
 - The applicant is intent that the contractor and subcontractors will be suitably qualified and experienced.
 - To comply with the p.a. conditions the kitchen has been relocated and therefore the proposed alteration of the chimney breast to accommodate an Aga has been omitted and the proposed opening in the upper basement floor has been omitted.
 - The removal of the two parallel walls in the lower basement will have no effect on the structural integrity of the house or of its neighbours (they are not load bearing).
 - The partial removal of a section of the intermediate vault is the minimum possible to accommodate steps from the proposed kitchen to the external balcony.
 - The vault is reinstated in concrete in tandem with the formation of the steps so the integrity of the vault is not undermined.
 - A similar arrangement is evident in several of the houses along the terrace including the adjoining nos. 1 and 3.
 - There is no rock removal required at level -2 and no underpinning of the neighbouring party walls.
 - The nature of the underlying ground eliminates the need for any percussive excavation techniques that could lead to vibrations in adjacent structures.
 - In compliance with the p.a. conditions the revised openings in the spine walls are considerably reduced from those indicated in the original submission.
 - New proposal C proposes moving the garden store forward 1000mm so as to provide 1700mm between the outside face of the existing rear wall of no. 2 and the inside face of the rear concrete wall of the garden store.
 - The proposed works will be carried out in normal working hours.
 - The response includes: a submission by LMC Consulting Engineers in response to the appellant's Consulting Engineers' submission; amended proposals in response to the p.a. conditions; plans indicating location of trial holes to determine depth of foundations and/or depth to bedrock; photographic evidence of said trial holes; photographs indicating spiral stairs on neighbouring dwellings, views over neighbouring properties to the rear gardens/terraces, and amended proposals for location of rear garden store.

10.0 FURTHER RESPONSES

The Appellant:

The contents of the appellant's response to the applicant's submission can be summarised as follows:

- Welcome applicant's submission.
- However, the applicant's submission does not alleviate the appellant's worries about overlooking.
- The spiral stairs should be omitted by way of condition.

-
- The Board is asked to condition that no new elements of load bearing structure be allowed to bear on, or be located within the existing party wall shared with the appellant's dwelling.
 - The Board is asked to condition that no rock breaking or removal of any kind be allowed or permitted within the confines of the property nor that any underpinning be permitted to the shared party wall.
 - Significant concerns still remain regarding the excavation and removal of rock externally against the rear wall.
 - The appellant is seeking a condition to prohibit percussive techniques of rock removal and the setting of a maximum limit on vibration at 3 mm/s peak particle velocity.
 - The garden store should be located at least another 1 or 2 metres away from the rear of the property.
 - Conditions also sought in relation to agreements on shared rear garden walls and construction activities.
 - Submission also includes a further response from the appellant's Conservation Architect. The applicant's architects do not appear to have a conservation grading granted by the RIAI. It is a concern that the p.a. did not apparently require either a suitably qualified Conservation adviser to be involved or that the Conservation Report be prepared by a suitably qualified adviser as required by the 'Architectural Heritage Protection Guidelines'. The proposed works could substantially affect the character of No. 2 and therefore its significance.
 - Submission also includes a further response from the appellant's Consulting Engineers. Amended proposals concerning the excavation and construction of the rear garden for a new terrace with underlying store and steps do little to instil confidence for a number of reasons. In relation to works to the spine wall, the introduction of stiff steel framing elements within a historic wall are wholly inappropriate.

Planning Authority:

The contents of the planning authority's response to the applicant's submission can be summarised as follows:

- No further observations.

11.0 ASSESSMENT

I have considered the relevant provisions of the Development Plan, I have carried out a site inspection, I have had regard to the 'Architectural Heritage Protection – Guidelines for Planning Authorities' (DoECLG 2004), I have reviewed all documentation on file and I have carefully considered all of the written submissions. In my opinion the main issues to be addressed are those hereunder.

11.1 Impact of Structural Works:

The appellant is primarily concerned with the potential impact the works will have on his property. The dwelling that is the subject of the application is a protected structure and within an ACA. This dwelling is a terraced unit and is adjoined on both sides by protected structures. The appellant owns the end-of-terrace unit adjoining to the east. The appellant is concerned that the works proposed may destabilise and

cause damage not only to the dwelling that is subject of the application but also put the adjoining dwellings at risk of damage. In the original appeal submission reference was made to, *inter alia*, need for detailed information from trial holes; clarity on the depth of foundations; information on ground conditions; widening of the fireplace at upper basement level in the shared party wall; lowering of the lower basement floor, and the construction of a new garden store adjacent the rear wall substructure of the protected terrace. The appellant's submission was accompanied by, *inter alia*, a consulting engineer's report highlighting the concerns of potential negative impact on the existing condition of the appellant's dwelling brought about by the structural modifications and interventions at No. 2. Again the issues raised here relate to: works adjacent the rear wall of the terrace to accommodate the proposed garden store; formation of large openings in the spine wall; introduction of modern building techniques with potential to change the stiffness characteristics of the heritage building; impact of the lowering of the basement floor; potential of vibration impacts during construction; concerns of potential of rock breaking; the knock-on effect of removing two loadbearing walls at lower basement level; structural interventions required on the shared party wall to accommodate the large opening in the upper basement floor to install a glass floor, and works to the chimney breast in the shared party wall between nos. 2 and 1.

In the response to the appeal submission, the applicant seeks to assure the applicant and the Board that no such damage will occur and that the works can be carried out without impacting on the appellant's property. The applicant notes that works have been carried out on the appellant's dwelling without any impacts resulting on the applicant's property. The applicant indicates that due care and diligence will be executed in both the preparation and undertaking of the work. The applicant also indicates that a number of conditions imposed by the p.a. should address some of the appellant's concerns, the applicant did not appeal those conditions and has submitted proposals indicating how it is intended to comply with those conditions. The applicant has also submitted amended proposals that relocate the proposed garden store further away from the substructure of the rear wall of the historic terrace. The applicant rejects the assertion that inadequate preliminary investigation of the existing structure was carried out, the applicant refers to 9 no. trial holes that were carried out prior to the application being submitted and also refers to additional subsequent investigations at those trial holes. The applicant also notes that some of the structural interventions that are of concern to the appellant were carried out by the appellant on his own dwelling without any apparent impact on the integrity of either dwelling (e.g. the intervention to accommodate a flight of steps to the external terrace at the rear). In relation to the lowering of the lower basement floor, the applicant states that no rock removal or underpinning will be required. The applicant submitted, *inter alia*, a response by his consulting engineer to the appellant's consulting engineer.

The appellant further responded indicating satisfaction with some of the proposed changes on foot of the p.a. conditions and the appeal response, however, some concerns remain. Concerns pertain as to the possibility of new structure bearing onto party walls. Conditions are requested in relation to omitting loadbearing elements onto the party walls, prohibition on rock breaking/removal or underpinning of party wall with no. 1. Concerns remain in relation to works to accommodate the garden store.

Notwithstanding the concerns of the appellant in relation to potential impacts on his property brought about by unintended consequences of structural works at No. 2, I am of the opinion that these matters do not justify or warrant a refusal, and are not strictly planning matters. I am of the opinion that the applicant has met the requirements of the Planning and Development Regulations in terms of the quality and quantity of information to be submitted in the application. The appellant is effectively seeking further assurances above and beyond the requirements of the Regulations. A grant of permission does not, of course, permit the applicant to damage third party property, the applicant is required under other codes, and under civil law, to carry out the works (if granted permission) in a manner that seeks to insure, *inter alia*, that no property is damaged in the process. There are risks in all developments, it is the responsibility of the applicant to minimise those risks. I consider a refusal on this matter to be unreasonable and would not recommend such a decision. I also would not recommend the conditions sought in relation to restrictions on certain, possible, construction activities such as rock removal or underpinning.

11.2 Architectural Heritage Prospection:

The works are proposed to a protected structure that forms part of a landmark residential terrace dating from the mid C19th. In addition to the subject dwelling being a protected structure it is also part of a designated ACA. The applicant is seeking a number of modifications and interventions both internally and externally. The applicant states that the proposed works are for the general benefit, enjoyment and use of the house as a family home and to secure such use into the future.

The appellant has raised concerns about the extent of intervention of the works and the impact of same on the historic fabric of subject dwelling from a conservation prospective. The appellant's Conservation Architect holds that the amount of removal of historic fabric seems extremely excessive and far more than is normally allowed by the p.a., he notes that the upper basement would become virtually 'open-plan'. He is of the opinion that the proposed works could substantially affect the character of No. 2 and therefore affect its significance. He questions some of the structural interventions proposed and suggests there are other more sympathetic ways of dealing with the challenges that are well-known in the conservation world.

The Board referred the appeal to the Arts Council, The Heritage Council, Failte Ireland, Department of Arts, Heritage & Gaeltacht, and An Taisce. An Taisce are observers to the appeal and they support the concerns raised by the appellant in relation to potential impacts from works proposed. It should be noted that the An Taisce submission does not appear to raise concerns about the proposed changes per se but rather supports the concerns that there may be unintended consequences from the construction works. None of the prescribed bodies have raised concerns that the proposed works will adversely impact on the architectural heritage of the protected structure, nor have they raised concerns about adverse impacts on the character and setting of the protected structure or adjacent protected structures that, combined, form an integral part of the designated ACA.

The report on file from the p.a. Conservation Officer indicates that consultations took place between the p.a. and the applicant's agents, including an on-site meeting. The report on file acknowledges that a significant amount of internal alterations are proposed, notably to the lower levels. The report assess that collectively the

alterations will have a slight negative impact insofar as the original floor plan of the upper and lower basement levels will be materially affected. The report recommends a number of changes by way of condition but concludes that the works will not significantly impact the architectural interest of the protected structure or the character of the ACA.

I share some of the reservations of the appellant's Conservation Architect in relation to the amount of original fabric that is to be removed, particularly at the two basement levels. The layouts on these two lower levels are very much cellular in nature, being the former servants' quarters and kitchen areas. As per the original submission the reconfiguration of these two levels would create a much more open-plan design. However, I am of the opinion that the p.a. conditions pursuant to the p.a. Conservation Report have gone some way in addressing this issue. Those conditions require that more of the original fabric at these levels be retained. Openings in the spine walls are to be reduced and the original stairs serving these two lower levels is also to be retained. The applicant has submitted copies of the proposals in the response to the grounds of appeal indicating how it is intended to comply with those conditions. The conditions were not subject of first party appeal. Subject to similar conditions I am of the opinion that the impact on the architectural heritage of the structure can be suitably mitigated with the residual impact being negative but slight. I would therefore not recommend refusal on the grounds of architectural heritage protection but would recommend conditions reflecting those as applied by the p.a. I would also recommend a condition requiring the works to be carried out under the supervision and guidance of personnel suitably qualified in conservation during the progress of the development.

11.3 Overlooking from proposed spiral stairs:

The development proposal includes for the installation of a spiral staircase from the ground floor level down to the existing external terrace, this stairs will be external and accessed via one of the windows at (upper) ground level.

The appellant is objecting to this spiral stairs as he holds it will adversely impact on his residential amenity by reason of overlooking and loss of privacy.

It should be noted that the applicant is actually proposing to reinstate a spiral stairs at this location on the rear elevation. It appears that the original layout did have such a stairs at this location. The terraced being served by this stairs is actually located at a level between the upper basement and ground level (one of a number of design anomalies in the original layout, it is not an easily accessed terrace). The original brackets fixing the stairs to the back elevation are still visible, a number of the other dwellings in this terrace still have the original spiral stairs in-situ. The applicant is proposing that the new spiral stairs will match the original in design and material (i.e. cast iron).

I consider that there is gain in terms of architectural heritage as an original feature is to be reinstated and used as originally intended. There is already a degree of overlooking between the row of dwellings at their rear. As the applicant is proposing to reinstate a situation that formed part of the original scheme, and as there is already a degree of overlooking pertaining, I would not recommend that this stairs be omitted. I would concur with the p.a. Planner's Report to some degree where it states that

“...being a staircase, it is not considered that it will lead to undue overlooking of the adjoining property.”

11.4 Rear Garden Walls:

The development proposals include for the reconstruction of the garden walls between the adjoining properties. The plans and particulars submitted acknowledged that such works require the agreement of neighbouring property owners. The appellant wants this further conditioned. I do not consider this necessary. I note the provisions of s.34(13) of the Planning & Development Act 2000 as amended: ‘A person shall not be entitled solely by reason of a permission under this section to carry out any development.’

11.5 Trees on Site:

The application was accompanied by an ‘Arboricultural Report & Assessment’ and also by ‘Garden Design – Landscape Proposal’. Some trees on site will be removed while others are to be retained. The garden in its current state is somewhat overgrown. The appellant is seeking a condition for tree protection during construction. There are no specific Tree Preservation Orders pertaining to the site that the undersigned is aware of. The ‘Arboricultural Report & Assessment’ addresses tree protection, I therefore do not consider a specific condition on this matter necessary.

11.6 Construction Noise & Disruption:

The appellant is concerned about impacts on residential amenity during the construction phase. I would recommend a condition limiting hours of construction for the Board’s consideration (although not the hours as sought by the appellant).

11.7 Appropriate Assessment:

Having regard to the nature and scale of the development proposed and the distance between the site and designated European Sites, I do not consider that significant effects on those European Sites or their conservation objectives are likely to arise from the Scheme, either alone or in combination with other plans or projects.

12.0 CONCLUSION AND RECOMMENDATION

All construction activity poses risks and it is the responsibility of the applicant to insure that third party property is not impacted by construction works at the site. There is sufficient information on file in my opinion to assess the application in relation to the proper planning and sustainable development of the area, it would be unreasonable in my opinion to refuse permission for the development on the grounds of possible impact of the structural works on adjoining property. Subject to conditions similar to those applied by the p.a. I am of the opinion that the impact on the architectural heritage of the structure will be negative but slight and thus does not warrant refusal on the grounds of heritage protection. The reinstatement of a spiral stairs at the rear of the dwelling is a gain in architectural heritage terms and given the existing degree of overlooking I do not consider that the residential amenity of the neighbouring property will be adversely affected by the reinstatement of this stairs.

I recommend that permission be granted subject to the conditions as laid out below.

DECISION

GRANT permission for the proposed development in accordance with the plans and particulars based on reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area, the established use on the site, the pattern of development in the immediate vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not impact on the character and setting of the protected structure on the site or the Architectural Conservation Area in which it is located and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out 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. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority amended plans, sections and elevations at a scale of not less than 1:50 indicating compliance with the following:
 - a. The existing stairs from the ground floor to upper basement plan -1 and lower basement plan -2 as indicated on drawing titled 'Existing Basement Plans 1:50' drg. no. 004 (received by the planning authority on the 24th day of May 2013) shall be retained.
 - b. A greater portion of the spine wall located between RM 17 Dining Room/RM 18 Kitchen and RM 11 Hall/RM 12 as indicated on drawing titled 'Existing Basement Plans 1:50' drg. no. 004 (received by the planning authority on the 24th day of May 2013) shall be retained.
 - c. A greater portion of the spine wall located between RM 13 Family RM and RM 11 Hall as indicated on drawing titled 'Existing Basement Plans 1:50' drg. no. 004 (received by the planning authority on the 24th day of May 2013) shall be retained.

Reason: In the interest of architectural heritage protection.

3. All works shall be carried out in accordance with the best conservation practice, as detailed in the "Architectural Heritage Protection Guidelines for

Planning Authorities” issued by the Department of the Environment, Community and Local Government in December 2004. The works to the building shall be carried out under the supervision and guidance of personnel suitably qualified in conservation during the progress of the works.

Reason: In the interest of architectural heritage protection.

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

Reason: In the interest of public health and to ensure a proper standard of development.

5. Construction on site shall be limited to between 08:00 hours and 19:00 hours Monday to Friday, and between 08:00 hours and 14:00 hours on Saturday. No work shall take place on Sundays or bank or 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 the interest of residential amenity and orderly development.

Tom Rabbette
Senior Planning Inspector
30th September 2013