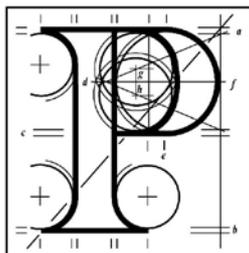


# An Bord Pleanála



## Inspector's Report

**Development:** Alteration works to a protected structure to include the upgrade of the external and internal fabric of the existing 60 sq m single storey building, currently set in 2 one-bedroom apartments, to provide a self-contained two bedroom two storey house of 120 sq m, including the provision of a rear ground floor flat roof extension of 30 sq m and the conversion of the existing roof structure into a 30 sq m attic space en-suite bedroom with four dormer windows added – two to each of the side pitches facing east and west at 25/25A Pembroke Gardens, Dublin 4.

### Application

Planning authority: Dublin City Council  
Planning application reg. no. 3996/15  
Applicant: Strand Trust Ltd  
Type of application: Permission  
Planning authority's decision: Split decision

### Appeal

Appellant: Strand Trust Ltd  
Type of appeal: First party -v- Decision  
Observers: None  
Date of site inspection: 4<sup>th</sup> April 2016  
Inspector: Hugh D. Morrison

## Site

The site is located in one corner of the triangular area that is bound by Pembroke Gardens and Baggot Lane. (This Lane runs between Northumberland Road (R118) and Eastmoreland Place, which leads onto Baggot Street Upper/Pembroke Road (R816)). This area comprises a green with a row of single and two storey dwelling houses along its northern and eastern sides. The site lies at the intersection between these two rows and as such it forms a focal point to the estate. The dwelling houses and the former social hall on the site exhibit an Arts and Crafts architectural style and they are finished in red brick under clay tile roofs.

The site itself is of regular shape and it extends over an area of c. 350 sq m. This site accommodates a freestanding former social hall, which has a floorspace of c. 60 sq m and which has been converted into two one-bedroomed residential units. It has a gated vehicular access to the front and a gated pedestrian access to the rear and it is bound by timber post and panel fencing and hedgerows.

## Proposal

Alteration works to a protected structure to include the upgrade of the external and internal fabric of the existing 60 sq m single storey building, currently set in 2 one-bedroom apartments, to provide a self-contained two bedroom two storey house of 120 sq m, including the provision of a rear ground floor flat roof extension of 30 sq m and the conversion of the existing roof structure into a 30 sq m attic space en-suite bedroom with four dormer windows added – two to each of the side pitches facing east and west.

## Planning authority's decision

The proposal was the subject of a split decision.

Thus, the provision of a 30 sq m single storey flat roof extension to the rear was permitted subject to 6 conditions.

The conversion of the existing roof structure and attic space to provide an en-suite bedroom with four new dormer windows was refused for the following reason:

*The protected structure is part of the early C20th development stage of the Pembroke Estate, and its architectural style may be regarded as being inspired by the wider Arts and Crafts Movement with an unusual Gambrel type roof design considered to be a rare roof form in Dublin with few examples of this type. This rare roof form is significant and contributes to the special character of this protected structure. The provision of 4 no. dormers would negatively impact on the original form and character of the roof and erode its special character and historical interest. The proposal would therefore contravene Policy FC53 of the City Development Plan which aims to protect traditional pitch-roof forms in historic streetscapes and Policy*

*FC27 which seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of streetscapes and the sustainable development of the city. Further the restricted headroom of the attic space would not be suitable for four bedroom accommodation. The proposal, therefore, would be contrary to the proper planning and sustainable development of the residential conservation area.*

### **Technical reports**

- Conservation Officer: Objects.
- Drainage: No objection, subject to conditions.

### **Grounds of appeal**

The planning authority critiques the proposed attic conversion on the basis that the floor to ceiling height would be below 2.4m. The following points are made in this respect:

- Under Section 4(1)(h) of the Planning and Development Act, 2000 – 2015, attic conversions below the said height are a common occurrence throughout Ireland.
- Such conversions are a sensible way of using void space productively. The current proposal would be an example of the same, which would be a mere 6 inches below the said height. A further example of planning permission being granted for a comparable conversion is cited, i.e. application reg. no. D15B/0057 lodged with Dun Laoghaire/Rathdown County Council.

The planning authority critiques the proposed four dormer windows on the basis that they would fail to respect the character of the roof, which is of historic interest. The following points are made in this respect:

- The case planner states that the proposal would lead to internal and external alterations that would be damaging to the building's character. However, the only unaltered portion of this building is the roof and it needs to be retiled. Within the context of the upgrade of the existing dilapidated accommodation the four dormer windows should be acceded to.
- The case planner states that the proposal would lead to a loss of coherence to the original layout of the building and, potential, to the full roof. This critique is contested on the basis that the proposed layout would provide well-lit spaces and good circulation flow between spaces.
- Attention is drawn to the incidence of dormer windows on buildings within the Arts and Crafts Tradition on pan tiled roofs such as the one in question.

- The size and shape of the proposed dormer windows would accord with the aforementioned Tradition. The only possible variation would be the specification of lead or sheeted timber as an alternative cladding to that of zinc.
- The former meeting hall and the surrounding dwellings that form Pembroke Gardens are protected structures due to their contribution to the streetscape rather than because of their internal layouts. Many of the dwellings have been altered and extended and so, within this context, the current proposal should be looked upon favourably.
- The proposal would allow the present sub-standard accommodation in the former meeting hall to be replaced with more satisfactory accommodation.
- The proposal did not give rise to any local objections.

### **Response**

The planning authority has not responded.

### **Planning history**

Concurrent application 3905/15 and appeal PL29S.246005: Similar to this application /appeal, but without a single storey, flat roofed, 30 sq m rear extension.

### **Development Plan**

Under the Dublin City Development Plan 2011 – 2017 (CDP), the former meeting hall is identified as a protected structure and the site is zoned Z2 (conservation area – residential neighbourhood), wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” Policies for protected structures and conservation areas are set out in Chapter 7 of the CDP and relevant development standards are set out under Section 17.10 and Appendix 25.

### **National planning guidelines**

- Architectural Heritage Protection
- Development Management

### **Assessment**

I have reviewed the proposal in the light of national planning guidelines, the CDP, and the submissions of the parties. Accordingly, I consider that this proposal should be assessed under the following headings:

- (i) Conservation,
- (ii) Amenity, and
- (iii) AA.

### **(i) Conservation**

- 1.1 Under the CDP, the applicant's estate of dwelling houses and the former social hall at Pembroke Gardens is zoned Z2, a conservation area – residential neighbourhood, and each of the said buildings are identified as protected structures.
- 1.2 The applicant has submitted a conservation statement for the former social hall. This statement includes a relevant extract from the Ordnance Survey map of 1876, which shows the triangular area of the said estate as undeveloped. It goes on to state that this hall was constructed in 1913 as a meeting place for the residents of the "set piece" 24 single and double storey semi-detached dwelling houses.
- 1.3 The applicant reports that, pre-1963, the former 60 sq m social hall was converted into 2 small self-contained one-bed residential units and that they now propose to carry out works to this hall to facilitate the provision of 1 self-contained three-bed residential unit with, as a result of the conversion of the attic, a floorspace of 90 sq m.
- 1.4 Like the accompanying dwelling houses in Pembroke Gardens, the architectural style of the former social hall reflects the Arts and Crafts Movement. Its subsequent conversion has led to the sub-division of the interior and the introduction of a ceiling. Externally, openings in the elevations have been introduced/rearranged and, while red brick quoins have been retained, pebbledash is now the predominant finishing material. However, the rectangular form of the hall under a gambrel roof, clad in red clay pan-tiles, remains insitu.
- 1.5 Given the foregoing chronology, the original layout of the interior of the former social hall has, regrettably, been lost. Nevertheless, this hall is a protected structure and the justification for this status stems from the fact that its original form remains intact and contributes to the streetscape that comprises the two rows of dwelling houses on either side of the site. In this respect, the City Conservation Officer advises that the gambrel roof, with its flared hips and gablets at either end of the ridge line, is a rare example of this type of roof in Dublin.
- 1.6 Under the current proposal, the existing external openings in the former social hall would be reused and new timber framed windows would be installed. The existing chimney, which from its siting would appear to have been built in

conjunction with the original conversion works, would be removed and the entire roof would be re-clad in red clay pan-tiles. Additionally, 4 zinc clad dormer windows would be constructed, 2 in each of the longer roof planes, which variously face north west and south east. Each of these dormer windows would be sited towards either end of their host roof planes and, due to the pivotal position of the former hall within the north eastern corner of Pembroke Gardens, they would be clearly visible from the street.

- 1.7 The proposal differs from its parallel proposal, under application reg. no. 3905/15 and appeal ref. no. PL29S.246005, insofar as it would include a 30 sq m, single storey, flat roofed extension to the rear of the former social hall and the proposed attic conversion would provide a bedroom with a dressing room and an en-suite. This extension would be built off the rear elevation of the said hall. It would be stepped in at either end to clear the brick quoins and its initial link element would “fit” under the projecting eaves line. The remainder of the extension would be similar in height to the eaves.
- 1.8 The siting of the proposed single storey extension to the rear of the former social hall would ensure that from the street its presence is discrete. Its layout and design would be respectful of this hall and so old and new would be clearly distinguishable. Accordingly, I raise no objection to this extension.
- 1.9 The planning authority critiques the aforementioned dormer windows on the grounds that they would “negatively impact on the original form and character of the roof and erode its special character and historical interest.” As such they would contravene Policies FC53 and FC27 of the CDP, which seek to, variously, protect traditional pitch-roof forms in historic streetscapes and preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- 1.10 The applicant has responded to this critique by stating that, within the overall upgrade of the former social hall and within the context of previous alterations and extensions to dwelling houses in Pembroke Gardens, the dormer windows should be acceded to. More generally, they refer to the incidence of dormer windows on Arts and Crafts buildings.
- 1.11 I acknowledge that the applicant’s proposal would entail the removal of the existing non-original chimney from the roof. While there are many chimneys in evidence on the dwelling houses in Pembroke Gardens, they are all original, as is evident from their siting and their distinctive patterned brickwork. By contrast, this chimney is a later addition, which is sited in an offset position that upsets the strong symmetry of the host roof, and which does not exhibit

the characteristic brickwork of the original ones roundabout. Its proposed removal is welcome.

- 1.12 During my site visit, I observed that several of the said dwelling houses have been added to by means of side and rear extensions. Freestanding garden sheds are also in evidence. However, remarkably few external alterations have been undertaken. Thus, for example, I observed that modern roof lights have only been inserted in the rear roof planes of the single storey dwelling houses at Nos. 13 and 14 (cf. permitted application reg. no. 3694/07). Consequently, the roofscape of the protected structures is remarkably intact and this can be readily discerned from the street front and from panoramic views which are available from within the triangular communal open space to the west and south and from along Baggot Lane.
- 1.13 The site lies at the intersection between the two rows of dwelling houses that make up the Pembroke Gardens estate. While a diminutive building in its own right, the former social hall acts as a focal point for these two rows and so it is of particular streetscape importance.
- 1.14 I acknowledge that the proposed dormer windows would be relatively small and that they would be sited in positions that would respect the symmetry of the roof. I acknowledge, too, that there are examples of original dormer windows on the roofs of Arts and Crafts buildings elsewhere. However, the applicant has not volunteered and I have been unable to find an example of such windows on a gambrel roof. Accordingly, I share the planning authority's concern that the introduction of the same would be out of character with this roof and it would distract from the legibility of its shape.
- 1.15 I, therefore, conclude that given the architectural importance of the roof to the former social hall and given, too, the intact original roofscape to the Pembroke Garden estate dwelling houses within which this hall provides a focal point, to accede to the proposed dormer windows would be inappropriate in conservation terms.

## **(ii) Amenity**

- 2.1 The existing 2 one-bed residential units in the former social hall have a floorspace of c. 30 sq m and so they presently provide sub-standard accommodation. Under the current proposal, these units would be amalgamated into one, which would be reconfigured internally to provide a modern standard of accommodation. One bedroom would be provided on the ground floor and one in the proposed attic, which would be converted to provide an additional 30 sq m. The proposed rear extension would provide a further 30 sq m, thus bringing the total floorspace to 90 sq m. This extension would facilitate the provision of an inter-linked

kitchen/dining/living room over the south west portion of the enlarged ground floor.

- 2.2 The submitted plans include a cross section, which states that the maximum floor to ceiling height in the converted attic would be 2.25m and thus below the conventional building regulation standard of 2.4m. The planning authority has referred to this matter in its draft reason for refusal.
- 2.3 The applicant has responded to this reference by drawing attention to the fact that wholly internal alterations, such as attic conversions, are ordinarily exempted development under Section 4(1)(h) of the Planning and Development Act, 2000 – 2015. They state that the proposed conversion would be a sensible way to use space productively, which would otherwise be void. They also state that the said height deficiency would be nominal and they cite an example of planning permission that was granted elsewhere, notwithstanding the same.
- 2.4 As the former social hall is a protected structure, the applicant's citation of Section 4(1)(h) needs to be weighed in the light of Section 57(1) of the same Act, which de-exempts internal works unless they would not materially affect the character of the structure or any element of the structure which contributes to its interest as a protected structure. Clearly, as the proposed attic conversion for habitable accommodation would rely upon the addition of the dormer windows, discussed above under the first heading of my assessment, it does not fall within Section 4(1)(h).
- 2.5 Section 7.8 of the Development Management Guidelines advises on the relationship between the planning system and other codes. This Section advises against using the planning system to seek to uphold other codes, such as the building regulations, as a grant of planning permission does not divest a developer of the responsibility to comply with these codes separately. It does however advise that a clear warning as to the need for separate compliance can be conveyed when granting planning permission.
- 2.6 In the light of the foregoing paragraph, the question that arises is whether the proposed attic conversion would provide satisfactory accommodation from a planning perspective only. Scrutiny of the submitted plans indicates that, notwithstanding the nominally generous floorspace available, the progressively more limited floor to ceiling heights to either side would limit the utility of this floorspace. Nevertheless, I consider that, subject to some detailed design ingenuity, this accommodation would afford a satisfactory standard of amenity to future occupiers and so I raise no objection to the same from a planning perspective.

2.7 The former social hall is centrally sited within the site. To the front is a drive-in area behind the gated vehicular access and to the sides and the rear are garden areas. These would be retained under the proposal and existing boundary treatments would be renewed. The garden areas would afford a satisfactory level of outdoor amenity space for future occupiers of the proposed dwelling house.

2.8 In the light of my objection, under the first heading of my assessment, to the proposed dormer windows, the proposed attic conversion would not be able to proceed. I am aware that in the absence of the floorspace that would be realised by this conversion, the proposed layout of the extended ground floor may be sub-optimal. In these circumstances, I propose that any permission for the rear extension and alterations to the ground floor should be the subject of a condition that would allow its layout to be revisited.

2.9 I conclude that the further conversion of the former social hall to a two-bed dwelling house would afford a satisfactory standard of amenity to future occupiers.

### **(iii) AA**

3.1 The site is neither in nor near to a Natura 2000 site. The nearest such sites are in Dublin Bay (SAC and SPA). The proposal would be linked to these sites via the combined foul and surface water public sewerage network that discharges to the Ringsend WWTP. Periodic storm water surges through this Plant can lead to a decrease in the water quality of the Bay. However, the Conservation Objectives of the said Natura 2000 sites do not refer to water quality. Furthermore, the scale of water treatment occurring at the Plant is such that the contribution of the proposal would be negligible.

3.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **Recommendation**

In the light of my assessment, I recommend that the proposal at 25/25A Pembroke Gardens, Dublin 4, be the subject of a split decision. Thus,

(a) Alteration works to a protected structure to include the upgrade of the external and internal fabric of the existing 60 sq m single storey building, currently set in 2 one-bedroom apartments, to provide a self-contained two bedroom two storey

house of 120 sq m, including the provision of a rear ground floor flat roof extension of 30 sq m should be permitted.

(b) The conversion of the existing roof structure into a 30 sq m attic space en-suite bedroom with four dormer windows added – two to each of the side pitches facing east and west should be refused.

#### **(a) Reasons and considerations**

It is considered that, subject to conditions, the proposed alterations to the ground floor of the former social hall and its extension to the rear would be sympathetic to the character of this hall, which, under the Dublin City Development Plan 2011 – 2017, is a protected structure. These alterations and this extension would be consistent with the visual amenities of the historic streetscape of Pembroke Gardens and they would facilitate the further conversion of the hall from two sub-standard dwellings to a single dwelling which would afford a satisfactory standard of amenity to future occupiers. No Appropriate Assessment issues would arise. The said alterations and extension would thus accord 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The conversion of the existing roof structure into a 30 sq m attic space en-suite bedroom with four dormer windows added shall be omitted.
  - (b) All consequential changes for the layout of the extended ground floor shall be made explicit. These changes shall include the retention of the proposal to remove the existing chimney.

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 order to ensure that the character of the building, as a protected structure, is safeguarded.

3. Details of the materials, colours and textures of all the external finishes to the proposed rear extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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.

7. All proposed works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

## **(b) Reasons and considerations**

Under the Dublin City Development Plan 2011 – 2017, the former social hall on the site and the accompanying dwelling houses to the south and west on Pembroke Gardens are identified as protected structures within a Z2 conservation area –residential neighbourhood. The architectural style of this hall and these dwelling houses reflects the Arts and Crafts Movement. The hall is sited on a corner between the southerly and westerly rows of dwelling houses and it provides a focal point for the same. It has a gambrel roof, which is of particular interest as it is a rare example in Dublin of this unusual roof type.

Policies FC27 and FC53 of the City Development Plan, the planning authority undertakes to preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and to protect traditional pitch-roof forms in historic streetscapes. Under the proposal, four dormer windows would be added to the said gambrel roof. These dormer windows would be out of character with this roof and with the wider roofscape context of the associated dwelling houses and they would obscure the legibility of this shapely roof when viewed from surrounding public vantage points. Accordingly, to accede to them would contravene the aforementioned Policies and it would be seriously injurious to the visual amenities of the area. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

13<sup>th</sup> April 2016