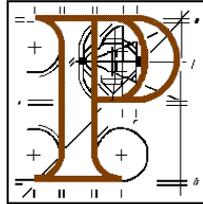


## An Bord Pleanála



## Inspectors Report

**Development:** Construction of single storey structure to rear consisting of ground floor terrace (with basement store room under) with concrete block steps down to garden and permission to complete the proposed development consisting of completed ground floor terrace, glass balustrade, paving, plastering of blockwork, at 10 Morehampton Road (Protected Structure), Donnybrook, Dublin 4.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref. 4172/15  
Applicant: Jim Duggan  
Type of Application: Retention Permission  
Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Róisín Keeling

Observers: None  
Type of Appeal: Third Party  
Date of Site Inspection: 13/05/16

**Inspector:** Gillian Kane

## **1.0.0 SITE LOCATION AND DESCRIPTION**

1.0.1 The subject site is located on the north-eastern side of Morehampton Road, a mature residential road in the south Dublin suburb of Donnybrook. The terrace of four storey red-brick dwellings are Protected Structures, dating from the 1860's.

1.0.2 The subject dwelling is a three storey over basement mid-terrace red-brick dwelling with granite steps leading from the garden level to the front door on the second floor. The façade of the dwelling with its projecting bay remains intact and unaltered. To the rear, the dwelling was previously extended at basement and ground level. The site is bound to the north and south by similar dwellings. To the south of the site, the dwelling at no. 12 has been extended over three levels to the rear. Due to the length of the terrace and the pattern of mews development to the rear, the rear elevations of the dwellings are not visible from any but the subject and immediately adjoining dwellings.

1.0.3 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

## **2.0.0 PROPOSED DEVELOPMENT**

2.0.1 Permission was sought to retain a single storey structure to the rear, consisting of a ground floor terrace with basement store with concrete block steps down to garden and completion of ground floor terrace with glass balustrade, paving, and plastering of blockwork.

2.0.2 Details provided in the application form: total site area of 507sq.m., with 442.4sq.m. to be retained, 30.5sq.m. proposed new building leading to a total GFA of 472.9sq.m. Plot ratio of 0.93:1 and site coverage of 25%.

2.0.2 In addition to the application drawings the application was accompanied by an Architectural Conservation Assessment

2.0.3 1 no. observation was submitted to the Council.

### **2.1.0 Reports on File following submission of application**

2.1.1 **Engineering Division Drainage:** No objection subject to developer complying with the Dublin Regional Code of Practice for Drainage Works, to verification of drainage records, to a separate drainage

system, to incorporation of SuDS, to all drain fittings being within the final site boundary.

2.1.2 **City Architect:** Grant of permission recommended. Z2 residential conservation designation does not preclude rear extensions. Many significant extensions and mews developments that have changed the character of Morehampton Road. Adjacent house has three storey conservatory extension well beyond the proposed terrace. Stairs connection to garden is clearly desirable. No issues on conservation grounds.

2.1.3 **Planning Report:** Recommendation to grant subject to conditions. In the context of the scale of the property, the neighbouring properties the proposed works are minor in nature. Proposed development would not be visually obtrusive or dominant and would have no unacceptable effect on amenities.

### 3.0.0 **PLANNING AUTHORITY DECISION**

3.0.1 By order dated 03/02/16 a notification of decision to GRANT permission issued with 7 no. conditions. Conditions no. 7 relates to works to be carried out in accordance with best conservation practice.

### 4.0.0 **PLANNING HISTORY**

4.1.0 **Planning reg. ref. 3012/01** Planning permission granted for new vehicular access

**Planning reg. ref. 3601/01** Planning permission granted for two storey extension to rear, internal renovations and repairs.

### 5.0.0 **NATIONAL POLICY**

#### 5.1.0 **Architectural Heritage Protection – Guidelines for Planning Authorities**

5.1.1 This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.1.2 Section 6.8.1 of the Guidelines outlines best practice in relation to extending Protected Structures. It is recommend that extensions to protected structures should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. The guidelines require Planning Authorities to be mindful of the setting of a protected structure within a terrace and that rear elevations can sometimes contain fabric that relates to the history of the structure. The guidelines state that 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.

5.1.3 In relation to conservation areas, the Guidelines state that: *“the protection of architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area”*.

## **6.0.0 LOCAL POLICY**

### **6.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 -2017**

6.1.2 The subject site is zoned “Z2” in the Dublin city development plan, with the stated objective “to protect and / or improve the amenities of residential conservation areas”. Residential development is permitted in principle in such zones. Policies of relevance in the development plan include:

6.1.3 Section **17.9.8 Extensions and Alterations to Dwellings**. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development:

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

6.1.4 Section 17.10.1 outlines the Council's policies on works to **Protected Structures**. It states that in determining applications

which relate to protected structures or their setting the authority will take into account:

- The importance of the building, its intrinsic special architectural and/or historic interest and rarity.
- Particular physical features of the building, external and internal.
- The extent and impact of interventions and alterations proposed and that which have already taken place, excluding any unauthorised development.
- Setting and contribution to streetscape.
- Extent to which the proposed works would bring substantial benefits to the community.

6.1.4 **Section 17.10.8** of the development plan refers to developments in Conservation areas. It states that all new buildings should complement and enhance the character and setting of conservation areas. In considering proposals for development in conservation areas, it is policy to have particular regard to:

- The effect of the proposed development on buildings and the surrounding environment, both natural and manmade.
- The impact of development on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed. Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development. 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.

6.1.5 **Appendix 10** of the development plan sets out the relevant policies and standards for **Protected Structures and Buildings in Conservation Areas**. The subject dwelling is listed on the Record of Protected Structures: RPS (ref. no. 5295). **Appendix 25** outlines **Guidelines for residential extensions**.

## 7.0.0 **GROUNDS OF APPEAL**

7.1.0 An agent of behalf of the owner of the adjoining dwelling to the south has appealed against the Council's decision to grant permission. The grounds of the appeal can be summarised as follows:

- The concern of the appellant arises from the position, aspect and extent of the proposed terrace and the consequential reduction in residential amenity, privacy and property value.
- Photograph submitted. Appellant states this shows that the proposed development would be incongruous to the protected status of the house. Structure would extend across site and impact would be felt by both neighbours. Design characteristic of internal rooms overlooking the garden would be damaged.
- Conditions of the Council's decision are merely housekeeping.
- Proposed development is unsuitable for a residential conservation area. The proposed excessive and inconsistent addition would be detrimental to the surroundings of the houses and rear gardens.
- Residential conservation areas are recognised for their distinctive character. Extensive groups of buildings are visually important and subject to close attention in the development plan. Development plan recognises the quality architecture, streetscape and cultural associations.
- Council has made it clear that it is their intention to protect and enhance the historic fabric of conservation areas. The special value of such areas lies in their architectural design and scale. No 10 makes a notable contribution to the heritage of the area. Its distinctive profile would be damaged by the proposed development. Policy FC27 and section 17.10.08 of the development plan seek to protect such areas.
- The proposed terrace is constructed 2.5m over garden level and has considerable implications for amenity and privacy. The proposed glazed floor may extend noise nuisance. The proposed 1.1m high glazed balustrade would not attenuate noise or screen observers.
- The privacy of dwellings in the terrace must be respected. The terrace forms a barrier to street noise. Both of these benefits would be diminished.
- The public notice refers to a single storey structure and the development description refers to a two storey structure with basement storeroom.
- The Board is requested to refuse permission and revert to the original staircase to the garden.
- The council's decision did not refer to privacy, access to sunlight or daylight, noise or disturbance or nuisance from outdoor cooking. No restriction on use of the terrace is provided.
- The terrace is almost complete and so cannot comply with the Council's condition to match the dwelling.

- The current proposal does not accord with the development plan. The Board is requested to refuse permission.

## **8.0.0 OBSERVATIONS**

8.1.0 None on file.

## **9.0.0 RESPONSES**

### **9.1.0 Planning Authority Response**

9.1.1 The City Council has no further comment to make and submits that the planners report on file adequately deals with the proposal.

### **9.3.0 First Party Response to Third Party Appeal**

9.3.1 The First Party response to the third party appeal can be summarised as follows:

- The applicants have lived at the subject site for 14 no. years. The back door is 2.5m above garden level with a 3mx1.5m landing and wooden stairs leading to the garden.
- The stairs and landing have rotted and are unsafe. The new structure is slightly larger but blends seamlessly with the house.
- The modest, sensitive and contemporary development is in accordance with the development plan.
- An oversized extension to the rear of no. 12 Morehampton Road is visually intrusive and dominates the rear of the terrace, applicants home and garden. Given that it is a three storey wooden and glass gazebo extension to the rear, the objectors claims of unique character and privacy are incongruous. The applicants question how permission was granted for such a structure on a party wall.
- No. 12 Morehampton has been further extended at garden level adding approx. 600sq.ft for which planning permission appears not to have been granted. Had permission been sought, the applicants would have objected as it creates an extremely dangerous accessible flat roof. A trellis has been erected to prevent access to the subject site from no. 12.
- The proposed development has a hidden store at garden level, the roof of which will serve as a balcony and landing to provide access to the garden level.
- The Appellants dwelling, no. 12, has a 3 storey 1500-2000sq.ft wood and window extension measuring 9x24feet on the party wall. The extension is 7.5m above garden level and towers over any balcony the applicants may build.

- Photos submitted.

#### **9.4.0 Third party response to First Party Response**

9.4.1 The third party response to the first party response can be summarised as follows:

- Discussions of matters regarding development at no. 12 Morehampton Road are extraneous.
- Enforcement proceedings were initiated regarding development at the subject site.
- Photos of the subject development submitted with the appeal show that the proposed development is incongruous and inconsistent. The design characteristic of the dwelling would be damaged.
- The subject site is located in a Z2 zone and the proposed development is not in compliance with development plan policies for such areas. Section 17.10.8 of the development plan outlines strict criteria for development in such zones. The proposed development does not meet these criteria.
- The board is requested to clarify the conditions of the Council.

#### **10.0.0 ASSESSMENT**

10.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Appropriate Assessment

#### **10.1.0 Principle of the Proposed Development**

10.1.1 The subject site is located within a residential conservation area, zoned Z2 in the DCC development plan. Within such areas, residential development is permitted in principle. I note the previous alteration of the dwelling and the pattern of alteration and extension in the wider Morehampton Road area. I am satisfied that subject to compliance with other policies and objectives of the development plan, the proposed development is acceptable in principle.

10.2.0 The proposed stair and terrace replace the previous structure. The proposed covered store at basement / garden level and terrace with stair way to garden level, with an overall height of 2.9m, is relatively small scale when compared to the four storey dwellings of the terrace. Certainly the proposed development is very minor compared to the three storey extension to the rear of the adjoining dwelling. The proposed development will largely be hidden from all

views bar the rear of the subject dwelling. I fail to see how the proposed development is unsuitable for a residential conservation area or that it is excessive and would be detrimental to the surroundings of the houses and rear gardens.

10.2.1 I note the policy of the Council to encourage the use of protected structures through re-use. I note and concur with the report of the City Council conservation officer that the proposed development has no impact on conservation grounds.

10.2.2 The proposed development is considered to be in accordance with section 17.9.8 of the development plan which seeks to ensure that extensions to dwellings follow the form of the dwelling, integrate with the existing building and have no adverse impact on the scale and character of the dwelling. Section 17.10.8 of the development plan states that Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development and that new alterations and extensions should complement existing buildings/structures in terms of design, external finishes etc. The proposed development complies with these principles in that it is subordinate to the main structure, is of a similar palette of materials and will have no adverse impact on the scale and character of the dwelling.

### **10.3.0 Appropriate Assessment**

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

### **11.0.0 RECOMMENDATION**

11.0.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 – 2017 and the planning history of the site and the surrounding area and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective Z2 as set out in the Dublin City Development Plan 2011-2017, to the pattern of development in the area and to the location of the proposed development relative to the surrounding dwellings including protected structures and to the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2004 and to the report of the Council’s Conservation Officer, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the neighbouring residential properties and would not adversely affect a Protected Structure. 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. 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 Site development and building works shall be carried out only 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.

- 3 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirement of the planning authority for such works and services.  
**Reason:** In the interest of public health and to ensure a proper standard of development.
4. All works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.  
**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

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**Gillian Kane**  
**Planning Inspector**  
**20/05/16**