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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4597/22**

**APPEAL** by Edward Fitzgerald care of GWA Architects of 145 Benmadigan Road, Drimnagh, Dublin against the decision made on the 26<sup>th</sup> day of September, 2022 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use from multiple units to single family use. Removal of 20<sup>th</sup> century partitions and stair at lower ground floor level and reinstatement of original features removed or modified during previous works. Removal of non-original sand and cement render to front and rear elevations and replacement with lime-based breathable render to selected colour. Cleaning and repointing of brickwork to front. Restoration of original features, including historically correct two over two pane timber sash windows, provision for energy upgrade of all windows to conservation approved thin double glazing, restoration of all existing sliding sash windows and surrounds and replacement where only required. Replacement of non-original lower ground floor entrance front door and provision of a new door in period style. Careful removal of a non-original two-storey extension to the rear of the property to provide access. Construction of a new kitchen/dining and family room, single storey extension with private roof terrace above to the rear of the property at lower ground floor level. Provision for the lowering of one window cill to the rear at upper ground floor level to provide door access to private

terrace. Provision for new upper ground floor extension with existing access from half landing with flat green sedum roof. Provision for one small dormer extension to the rear to provide improved habitable height space to existing half landing room come new master bathroom at second floor level. Careful removal and lowering of the non-original concrete floor slab at lower ground floor level by approximately 370 millimetres to provide 2.4-metre clear head height in main access corridor and kitchen with improved ventilation and light throughout. Reinstatement of third bedroom habitable space by the realignment of one stud partition at second floor level. Various landscaping in rear garden, including raised planters, outdoor fireplace with chimney, single storey garden room with flat green sedum roof and pergola. Various landscaping to the front, including disability access complaint steps - reuse of existing materials. Provision for two electric car charging points. Repair and refurbishment of surviving historic fabric within the main house, including decorative plasterworks, joinery and staircase. Conservation of historic fabric, repair refurbishment, renovation, alterations and improvements to the existing buildings layouts, including all associated site works, all at 22 Ranelagh Road, Ranelagh, Dublin (a protected structure).

## **Decision**

**Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition numbers 3 and 4 so that they shall be as follows for the reasons set out.**

3. (a) The proposed roof terrace shall be accessed via a door to the proposed studio rear return, as per drawing (Option B) 100-pa-B, Rev. A, submitted to An Bord Pleanála on the 24<sup>th</sup> day of October, 2022.
- (b) The proposed studio return shall be of a flat roof construction as per the plans and particulars submitted with the application to the local authority and shall not exceed the height necessary to accommodate a standard door opening. Revised plans and particulars in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and of residential and visual amenity.

4. The developer shall comply with the following requirements:
  - (a) The developer shall submit the following architectural conservation details/revisions for the written agreement of the planning authority prior to commencement of development:
    - (i) The proposed removal of the rear elevation at lower ground floor level will remove the legibility of the floor plan in an original area of the building. It is recommended that the developer considers the retention of more historic fabric, reducing the opening to the rear elevation to a maximum 3,000 millimetres in width, retaining nibs at both sides and a downstand. It is noted that the line of the internal partition wall will be reinstated as part of the proposed works.
    - (ii) The proposed removal of the window ope at upper ground floor, in one of the principle spaces of the protected structure, is considered an unacceptable loss of significant fabric, impacting the character of this space, and shall be omitted from the proposed development.

- (iii) The developer shall submit 1:10 details of the proposed floor build-up in the lower ground floor, including any structural interventions required to historic walls, to facilitate the proposed 370-millimetre change in level.
- (b) The proposed dormer shall be completed as per the plans and particulars submitted with the planning application.
- (c) Flashing details for junctions between the new extension and the historic structure have not been provided. 1:10 details of all junctions between the extension and historic structure shall be provided.
- (d) The developer shall submit detailed schedules of any repair and reinstatement works required to the boundary wall, to include under-pinning and structural stabilisation as a result of the excavation of foundations for the new extension. A method statement for any repair works and interface details associated with construction of the new extension shall be provided, in accordance with best conservation practice.
- (e) The one-over-one timber sash windows to the upper ground floor front elevation and the rear elevation of the subject structure are considered an important element of the building's special character, with the front elevation following an established fenestration pattern to much of the street. The replacement of the windows with two-over-two paned windows is not considered to be an appropriate intervention and shall be omitted from the proposed development.

- (f) The developer shall submit a detailed schedule of the glazing, noting the survival of any early glass. The planning application does not include detailed drawings illustrating the impact of the increased rebate to the window frames and glazing bars, where these are present. In order to assess the impact of the slimline glazing, dimensioned drawings of each window type showing the current configuration of frame and glazing and the proposed configuration at 1:10 shall be submitted to the planning authority for written agreement.
- (g) The developer shall submit annotated 1:50 drawings to the planning authority for written agreement detailing proposed service routes, including service ducts, proposed heating upgrading works, security and fire alarms and electric installations.
- (h) The locations for the two electric car charging points, which should be discrete to minimise impact on the curtilage of the protected structure, shall be submitted to the planning authority for written agreement.
- (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor, and implement the works to the building 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.
- (j) The proposed development shall be carried out in accordance with the following requirements:

- (i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued, and numbered to allow for authentic re-instatement.
- (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

**Reason:** In order to protect the original fabric, character, and integrity of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

## **Reasons and Considerations**

Having regard to the site location in an established residential area, the protected structure status of the property, the surrounding pattern of development in the area, the zoning objective for the site, the nature and scale of the proposed development, the appeal submission and the site inspection, the Board considered that condition number 3, as amended by the Board, would suffice to protect the visual amenities of the area and the residential amenities of property in the vicinity. In deciding not to accept the Inspector's recommendation in this regard, the Board considered that the separation distances achieved and the potential for appropriate boundary treatments by the developer and/or neighbouring properties were sufficient in this urban context to ensure that undue overlooking would not occur.

In relation to condition number 4 (a)(ii), the Board agreed with the planning authority and the Inspector that the window ope at upper ground floor was a significant feature of the protected structure and should be retained; however, the Board considered that alternative proposals submitted by the developer at appeal stage could achieve appropriate access. In relation to condition number 4 (b), the Board considered that the modest nature of the dormer proposed, subordinate to the roof of the property, would not be highly visible or unduly prominent in this particular location and would, therefore, not represent a significant change to the character of the rear elevation of the protected structure. The Board had regard to the extent and nature of the conservation and restoration of the protected structure proposed and considered the proposed dormer acceptable, on balance, in this instance.

The proposed development, as modified, would, therefore, be in accordance with the proper planning and sustainable development of the area.



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**Stephen Brophy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this <sup>4<sup>th</sup></sup> day of *December* 2023.