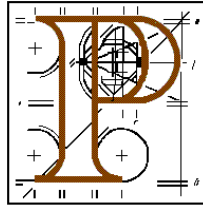


An Bord Pleanála



INSPECTOR'S REPORT

DEVELOPMENT: Residential development comprising 12 apartments with all associated site works (Protected Structure).

LOCATION: 19 Pembroke Road, Ballsbridge, Dublin 4.

PLANNING APPLICATION

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2792/15
Applicant: Development Securities Properties Ltd
Type of Application: Permission
Planning Authority Decision: Grant

PLANNING APPEAL

Appellant: Aranmore Management Company Ltd.
Anthony Harrison
Type of Appeal: Third Party
Observers: Paul Harrison
An Taisce
Pembroke Road Association

DATE OF SITE INSPECTION: 23rd February 2016 and 14th March 2016.

INSPECTOR: A. Dineen

1.0 SITE LOCATION

- 1.1 The appeal site is located at No 19 Pembroke Road in the south of Dublin City. The area of the Pembroke Estate is characterised by its wide tree lined Avenue and three storey over basement dwellings. The site contains a semi-detached dwelling house, three storey over basement, which is a protected structure. The site is flanked on the west side by a large 5 storey structure which is home to Aranmore, a retirement home. The east boundary of the appeal site contains the conjoined attached dwelling in the pair of houses.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the removal of existing extensions and mews houses at the side and rear of the appeal site, which contains a Protected Structure in the form of a semi-detached dwelling. It is proposed to construct a 3-4 storey extension under the new build which would have private open space in the form of balconies and terraced space in addition to a communal area of public open space at the south of the site. It is proposed to refurbish the existing original building on site (Protected Structure). It was proposed that the overall development would comprise 12 residential apartments with 12 off-street parking spaces provided in the front of the site.

3.0 TECHNICAL REPORTS

- 3.1 **Roads and Traffic Planning Division** has no objection subject conditions.

- 3.2 **Engineering Department** has no objection subject to conditions.

- 3.3 **Archaeologist Report** – no objections subject to conditions.

Note: The proposed development is just outside of the Zone of Archaeological Constraint for Recorded Monument DU018-055, which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

- 3.4 **Conservation Officer:** Under the second report following receipt of further information the CO recommends clarification of further Information received. In this second report which recommends clarification the Conservation Officer found that *'although the proposal has been revised in places and these revisions are most welcome, the effect of the proposed new build elements on the front of the protected structures and associated negative impact on the architectural character of the wider terrace is still a concern...'*

4.0 PLANNING AUTHORITY DECISION

- 4.1 The planning authority issued notification of decision to grant permission subject to 10 conditions. Conditions were generic and conservation in nature, say except for Condition No 3, which stipulated the following:

The development shall be revised as follows:

- (a) Units 4 and 7 shall be combined to provide one unit only. One bedroom only shall be provided at lower ground level.*
- (b) The western side of the terrace to Unit 6 shall be appropriately screened and access confined only to the area south of the window to Unit 4.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the planning authority and such work shall be fully implemented prior to occupation of the buildings.

Reason: In the interest of orderly development and visual amenity.

The decision of the planning authority reflects the planners report.

5.0 PLANNING HISTORY

Under Planning Register Reference No: 4529/00 was refused under following development description:

Demolition of two storey coach house to side and mansard roof to rear and for the construction of a six storey self-contained development to the side/rear, containing 16 apartments, for internal alterations, repairs and refurbishment of No 19 Pembroke Rd., a protected structure.

Permission was refused for the following reason:

The proposed development, by virtue of the loss of the existing fabric of this protected structure, the impact of the proposed development on the remaining protected structure and its settling, the impact of the proposed development on the streetscape in this residential area, and the substandard nature of the residential accommodation proposed in terms of layout, room sizes, orientation and mix of unit types would be contrary to the policies of the 2005 Dublin City Development Plan in relation to conservation, heritage and residential development, and would be contrary to the zoning objective of the area, which is 'to protect and/or improve the amenities of residential conservation areas'. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

6.0 POLICY CONTEXT

6.1 The relevant document is the Dublin City Development Plan 2011-2017. The site is within an area-zoned Z2 where it is an objective to protect and/or improve the amenities of residential conservation areas. The subject property is a protected structure.

Objective FC26 aims to protect and conserve the city's cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations.

Objective FC27 aims to seek the preservation of 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

Objective FC 30 aims to include those structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures. To protect these structures, their curtilage and the setting from any works that would cause loss or damage to their special character.

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

Objective FC 32 aims to encourage the protection of the existing or last use of premises listed on the Record of Protected Structures where that use is considered to be an intrinsic aspect of the special, social, cultural and/or artistic interest of those premises. In considering applications for planning permission in respect of a change of use of any such premises to take into account as material consideration the contribution of the existing or last use of that structure to special, social, cultural and/or artistic interest of those premises and/or whether the new use would be inimical to the special interest identified.

Section 7.2.5.3 refers that Conservation Areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city.

Architectural Heritage Protection, Guidelines for Planning Authorities, 2004

These guidelines define 'Protected Structures' as "any structure or specified part of a structure, which is included in the RPS" and under auspices of the Planning & Development Act, 2000, the meaning of structures includes "any other structure lying within the curtilage". These guidelines also outline the responsibility of Planning Authorities to preserve the character of conservation areas within their functional area and it recognises that the process of change may pose a threat to the character of the area.

It further states that "adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits" and that "the creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and special interest on the other". In addition, the Guidelines further state that in relation to conservation areas 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".

AHG 13.8.2 New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. The proposed development may directly affect the protected structure, as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.

AHG 13.5.2 Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. There may be a designed vista between a building and a built or landscape feature within its gardens or a less formal relationship between a house and its outbuildings. Similarly, the relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure.

7.0 GROUNDS OF APPEAL

Aranmore Management Company

- Very serious concerns are expressed with regard to the proposed development.
- The Aranmore Apartments next door were built in 1998 as gracious Georgian style apartments. It is not a nursing home it is a retirement home where residents range in age from between 50 and 94 years of age.
- The building was carefully cited to preserve an atmosphere of peace and seclusion within its convenient central location.

- No 11 next door to Aranmore causes great concern as it has been vacant for 15 years. Slates and glass from the roof fall into the property and the Dangerous Building Section of Dublin City Council are called on regularly to address the issue.
- With regard to the proposed development at hand it is submitted that some residents propose to move if permission is granted.
- Aranmore will be overlooked and balconies will be overshadowed and this will lead to a loss of privacy and devaluation.
- If development is permitted it will permit the degrading of a Protected Structure.
- It is considered that the matters concerned cannot be addressed by condition therefore it is requested that the Board refuse permission in this instance.

Anthony Harrison

- It is submitted that Nos 19/21 are a pair of fine 19th Century houses and both are Protected Structures.
- The houses are the finest houses remaining on this section of Pembroke Rd since the demolition of Nos 13-17 and 23-25.
- Both houses are semi-detached so the open space which surrounds them is vitally important to the architectural integrity of both buildings.
- The proposed development would constitute over-development and would materially impact on the protected structure and its garden and would result in overlooking of the adjacent properties.
- The mass and bulk of the garden block is totally at odds with the protected structures.
- The curtilage of No 19, which includes the arched gate and screen wall, garden tunnel and other features deserve to be conserved.
- Sadly the advice of the Inspectors report of Dublin City Council has been ignored.
- The front of No 19 is being rented out for car parking, which is an illegal use without the benefit of planning permission.

8.0 RESPONSE OF THE PLANNING AUTHORITY

- 8.1 It is submitted that the City Council has no further observations to make and that the planners report on file adequately deals with the proposal.

9.0 FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

- It is submitted that the applicant takes issue with each of the issues raised under both appeals regarding; overlooking, overshadowing, loss of privacy, degradation of a protected structure, overdevelopment, mass and bulk and setting of protected structure. With respect of each of these issues it is submitted that the application was made with detail, care and attention and with consultation with the Planning and Conservation Departments of the City Council and is in accordance with the detailed requirements of the City Development Plan and with good conservation practice.
- The designers are accredited Conservation Architects with a record of working with Protected Structures for 25 years. This work relies on making a very detailed survey and assessment of the existing building and of preparing proposals, which maximise the retention of historic fabric and of finding ways in which old buildings can be carefully repaired and conserved to be functioning and comfortable buildings for people for many years to come.

- The Board is referred to the initial Architectural Heritage Impact Statement, in which the existing mews at the side of the structure were considered to be in poor condition, which do not relate positively to the overall buildings. Such should be removed and a suitable new building should also address the deficiencies of the original building in terms of fire escape and disability access.
- Prior to the application it was decided with the Conservation Officer that the proposal would reduce the number of apartments within the original house and would remove inappropriate partitioning that was added over the years when it was sub-divided into flats.
- The applicant disagreed with the Architect on the point of the retention of the arched screen. When the FI request made it clear that the retention of the arch was a firm requirement by the City Council, the redesign took this and other submissions into account that were made at application stage.
- The redesign moved the rear part of the apartment block away from the Arranmore boundary and there is no overlooking or overshadowing of their property.
- Condition 3 of Decision to grant regarding screening of terraces is acceptable.
- Condition 4 regarding the restriction of hours for construction work is acceptable.
- With respect of Mr Harrison's appeal it is questioned whether he examined the second proposal as a great deal of design work has been expended to ensure the retention of the screen wall in the proposal.
- The issue of architectural integrity of the semidetached buildings is fundamental to this proposal and the Board is requested to consider the analysis of existing streetscape and the current relationship of No 19 Pembroke Road to the adjoining properties and to the Street.
- The streetscape relative to the site is composed of semi-detached houses, generally 3 storey over basement, which are in line, however the streetscape pivots at the subject site to form a new building line running from No 1 Pembroke Road to Arranmore at 13/17. The existing mews houses are semi-concealed behind the screen wall and are an unsatisfactory gap in the street elevation which does not articulate the change in street geometry.
- The current proposal retains the screen wall at the front and the extension rises up in line with Arranmore and to the same height as the side wing of No 19, which is separated from the original house by a glazed atrium.
- The height, elevation and scale combined with materials are complementary to both Arranmore and No 19.
- The proposal is deliberately low key to preserve the elevational relationships already established.
- The new design clarifies the relationship between No 19 and its rear annexe extension so that both parts of the original extension are more clearly identifiable.
- It is submitted that the proposed extension will be a very successful insertion into the streetscape and a worthy addition to the environs of Pembroke Rd.
- It is submitted that the proposal will arrest the ongoing decline of the building. Considerable investment is required and the cost of such refurbishment of the original house is made viable only in the context of the proposed development.
- The proposal will remove non-residential uses and will reduce the number of units from 14 to 12 fully compliant apartments.
- The proposed apartments will be finished to a premium standard and will be entirely compatible with the adjoining premises and with the neighbourhood.

10.0 OBSERVATIONS

Paul Harrison

- It is considered that the decision to grant permission does not take into consideration the severe impact of the proposed development on the residential amenity and architectural quality of the area as raised by Arranmore Management Company.
- It is submitted that the decision is in contrast to the Conservation Officers concerns.
- At application stage the grounds of objection pertained to; overlooking and overshadowing, loss of privacy, loss of open aspect, devaluation of Arranmore, degradation of a protected structure, disturbance of Arranmore by encroachment. On foot of a further information request a revised proposal was submitted, however it is considered that the response to the FI request do not address both the planning authority's concerns or the concerns of Arranmore.
- The revised design focuses on the front elevation, however these concerns do not address significant overlooking, overshadowing or overbearing impact of the proposed development to the rear, particularly the Arranmore retirement complex on the adjoining site to the west.
- The redesign increases the size of the residential block to the rear from 9.95 metres to 11.95 metres. This further increases overbearing and overshadowing impacts on Arranmore. Also the separation distance to the rear boundary will be 9.39 metres as stated 2 metres shy of the 11 metres requirement.
- The proposal will overpower and overbear the adjacent property due to its height, bulk and mass.
- The proposed first and second floor balconies will overlook and overbear the adjacent properties. It is not possible to achieve the 22 metres rule therefore the proposal is not compliant with the Development Plan.
- It is submitted that a previous refusal for 18 units on the site by DCC holds strong precedent for ABP to refuse the current proposal. The building height scale and layout of the proposed development adopts the same form as that previously refused.
- The proposed development is contrary to the Z2 zoning objective of the area in that it significantly impacts on the residential amenity by overlooking and overbearing properties, particularly Arranmore to the west and Heytesbury Court along Pembroke Lane to the South.
- With respect of visual impact, the scale of the three storey over basement to the side and rear of a protected structure would be over scaled bulky and intrusive.
- With respect of Section 13.1.1 of the Architectural Heritage Protection Guidelines it is submitted that the existing mews to the side and rear of the protected building should enjoy the same protection as the building itself.
- It is requested that An Bord Pleanála carefully examine the concerns of the Conservation Officer as it is suggested that the planning authority has not had due regard to this report.
- The proposed development will severely alter the usability of the adjacent rear garden at Arranmore retirement complex by the creation of a visually intrusive bulky mass overlooking and overshadowing the adjacent private amenity space. This rear private garden is central to the quality of life of the residents of Arranmore.
- The proposed development will create overshadowing and loss of light on the amenity of dwellings to the south of the appeal site along Pembroke Lane. No assessment has been carried out with regard to loss of light and overshadowing that will be caused to the adjacent property.
- It is submitted that the proposal intends to develop non-original elements to the body of a protected structure, which is considered would seriously degrade the quality of the protected structure and impact the character of the area.

- The proposed development is not only damaging to the protected structure but to the architectural quality of the area.
- The existing property is a very distinctive building which emphasises the vertical element of the building with the height of each floor decreasing as the floors increase. This feature is distinctive along Pembroke Rd. The proposed design does not take this into account, which it contended disrupts the uniformity of the street
- The annex extension contains intrinsic special architectural rarity and this architectural integrity will be detracted from by the proposed development.
- The existing building forms part of a pair that is uniform and consistent with the character of the area and the proposal will disrupt the uniformity of the pair and the streetscape.

An Taisce

- It is submitted that the proposed development does not comply with the Dublin City Development Plan 2011-2017.
- The character of the Ballsbridge Area is clearly identified by its wide tree lined streets/avenues with domestic dwellings of high architectural merit.
- Pembroke Rd is designated as Z2 and policy 7.2.5.3 of the Development Plan sets out the reasons for such designation. It is contended that DCC have failed to have adequate regard to Section 7.2.5.3. and the proposed development does not compliment either the character of the area or the setting of the adjoining protected structures at Nos 19 and 21 Pembroke Rd.
- Policy FC 30 of Dublin City Development Plan is referred to and it is considered that the proposed development does not protect or enhance the character and setting of No 19 Pembroke Rd but would in fact destroy its integrity and special character as well as the adjoining protected structure, No 21 Pembroke Rd.
- The proposed scheme is in breach of Policies FC 26 and FC 28 of the City Plan.
- It is contended that guidance contained in Para 13.8.2 and 13.5.2 has been ignored given the hugely damaging impact of the proposed new build elements on the view of the principle elevation of the Protected Structure.
- The observer supports the appeal in light of the Conservation Officers views and the provisions of the Dublin City Development Plan.

Pembroke Road Association

- It is submitted that the proposed development is overdevelopment of an intact and significant paired House on Pembroke Rd.
- It is submitted that the existing mews and ancillary buildings are part of the street landscape and reinstatement is not the same as preservation or conservation.
- The existing intact coach house should be preserved as it is inherently part of the curtilage of 19 Pembroke Rd, a protected structure.
- A key feature of the streetscape in this part of Pembroke Rd. is the large scale deciduous tree planting and the compact quality of mews dwellings in relation to principal houses in the district.
- The Pembroke District is an area of architectural and historic merit.
- It is submitted that existing stone brick coach houses on mews lanes are of national and international importance and Dublin City Council recognises the need to retain and conserve all surviving examples.
- Policy 7.2.5.4 is referred to and it is submitted that traditionally the scale and bulk of mews buildings has frequently been more in keeping with a suburban situation. Many projects are viewed as stand-alone projects when they must be viewed as part of a street lane or district.

- It is submitted that a mews house should be modest and in keeping with the scale of the surrounding buildings.
- In the Pembroke District all the buildings and curtilages form part of the original layout of the 19th Century Pembroke Estate which is zoned Z2 under the Development Plan.
- Mews homes are an integral part of Dublin 4. Most of the mews houses in Pembroke District were converted from their use as coach houses/stables from the 1930s onwards.
- This unique and special 19th Century neighbourhood should be preserved as an exemplar of good town planning and as a district of architectural distinction. It is considered that it should be designated as an ACA.
- The proposal would be an over-intensification of use of a mews site.
- The enlargement of scale is incompatible with the preservation of a fine and uniquely elegant streetscape of importance to the entire city of Dublin.
- It is submitted that this is not the place for an apartment block it is a place for elegant quality design in keeping with the outstanding quality of the surrounding streets of the Pembroke District.
- A flat roof is proposed which is not in keeping with the 19th century roofs of Pembroke Rd.
- The parapets do not reflect the established parapets.
- The building line at the back is an intrinsic part of the 19th Century townscape and it is considered that the proposed development invades this space by placing a building in the garden space. The back line of houses in this area has been preserved apart from the adjacent Arranmore development.
- The proposed development overlooks properties on Pembroke Lane.
- The Pembroke District is a unique part of Dublin and should not be tampered with in terms of layout, design and intrusions.

11.0 ASSESSMENT

Having inspected the site, considered the file documentation, the prevailing local and national policies, I consider that the key planning issues arising from the proposed development are:-

- Principle of the Development;
- Impact on No. 19 and 21 Pembroke Rd, Protected Structures;
- Impact on Residential Amenities of adjacent properties;
- Residential Standards
- Other Issues
- Appropriate Assessment

11.1 Principle of Development

The proposed development comprises the removal of existing extensions and mews units to the side of the existing protected structure on the site and the construction of a 3/4 storey extension with balconies and the refurbishment of the existing building with provision of 12 off street parking spaces. The proposal will reduce the number of units on site from 14 to 12 in number.

The site is situated within an area affected by the 'Z2' land use zoning under which it is an objective 'to protect, provide and improve residential amenities of residential conservation areas'. The structure on site is a Protected Structure and is one of a pair of semi-detached protected structures.

As there are a number of residential units already in situ on site, some of which, would appear to underutilised and given the overall objective to reinstate the last use of such protected structures in order to ensure continued use and survival of such structures, in addition to policy cited under Section 6.1.2 of the *Architectural Heritage Guidelines* that promotes the reuse of redundant protected structures for their own economic benefit as well as that of the area in which they are located, I would consider that the general principle of the proposed development is acceptable provided that such a development does not detrimentally impact on the protected structure or its character and setting, and that residential amenity of the area is preserved.

11.2 Impact on Nos 19 and 21 Pembroke Rd., Protected Structure (Residential Conservation Area).

For the purposes of clarity, I intend to assess the impacts of the proposed development on both No 19 and 21 Pembroke Road in that, as a pair of semi-detached Protected Structures that have a clear relationship with each other, the broad question of curtilage could be argued to include that of the other attached unit. However, initially the assessment will concentrate on No 19 Pembroke Rd., the parent structure on the appeal site.

There are three distinct elements of the Protected Structure at No 19 namely, the original three storey over basement semidetached house, the rear annexe and the mews structure, which straddles the west boundary of the site. Additionally of crucial importance to this site, in terms of architectural heritage is the 'screen wall' and 'arch', which are associated with the original coach house and carriage archway at the west side of the site.

With respect of the original three-storey over basement, the house is described in the Conservation Impact Statement as having been constructed in 1830 as a semi-detached townhouse, one of a series of 4 pairs built at that time. This building retains much of its original fabric and it is proposed to reconfigure the existing building while maintaining the integrity of the building with minimal removal of the original fabric. One of the most significant measures provided for by the proposed remodelling as referred to in the Planners report, is the reinstatement of the original features of the stairwell, which had been amended when the annexe feature was constructed.

I consider that the modification of the main dwelling to be appropriate as it upgrades the structure and its units to habitable modern standards while yet retaining the character of the structure. All works must be carried out in accordance with best Conservation Practice.

With respect of the rear annexe, the original features in this segment of the structure have for the most part been replaced with modern features, with the exception of features at upper floor level, which the current proposal intends to retain and repair. Such works would be carried out with regard to best conservation practice.

The third element of the proposed works to the protected structure involves the demolition of the two storey mews structure, which adjoins the west boundary of the site, proximate to the neighbouring property Arranmore. The original application sought to demolish the front screen wall however this proposal was modified following the request for further information, which stated that the demolition of the screen wall and arch was not acceptable. The Architectural Assessment submitted stated that the mews building was rebuilt in the 1980's using some salvaged brickwork and roof slates. The planning authority in its assessment stated that it had no objection to the demolition of the mews structure due to its limited historic reference

however it was opposed to the removal of the screen wall and carriage entrance. The planning authority referred that given that this was one of a group of original houses on Pembroke Rd and this particular example is the only one of said group that has this carriage feature leading to the coach house, that it is imperative that this feature be retained and that any new build or modification responds appropriately to this setting and context. I concur entirely with the viewpoint of the planning authority on both issues, (a) that the demolition of the mews is acceptable given that it is a reconstruction of what formerly existed without significant historic fabric and (b) that the retention of the screen wall and arch is a fundamental requirement.

I note some of the observations to the appeal refer to the established *mews* or former coach house, which had been converted to living accommodation in the 1930s as being significant in terms of historic fabric. While I concur that were the 1930's construct yet present there would be merit in retaining same, albeit a modification of the original coach house, however the subject mews development appears to have been reconstructed in more recent years. Information on the file denotes its upgrade in the 1980's, which I would consider a fair or reasonable reflection of the mews construct as it stands on site presently. Consequently I do not support the contention that there is historic merit in the mews building on site at the present time and I do not consider that the removal of same unto itself will have a negative impact on the protected structure(s) at this location or of its character and setting.

A significant point in subject planning process from pre-planning, planning application and further information stage appears to be the submission of the revised and modified design proposal as additional information, which was a response to the planning authority's request for further information, which requested an alternative design solution to accord with Policy FC 30 of the development plan. This request referred to *the sensitive location of the proposal and the relationship of the new build to the existing proposed structure*. The request also stated that *the demolition of the screen wall and carriage arch entrance is not accepted*.

For the purpose of clarity FC 30 aims to '*....To protect these structures, their curtilage and the setting from any works that would cause loss or damage to their special character*'.

At the juncture of the FI response being submitted, it is apparent that the Conservation Officer decided to seek clarification of the additional information. However, the planners report acknowledged the COs views and decided to issue a decision to grant permission subject to conditions. The decision of the planning authority reflects the planners report. Significant attention is given under the appeal submissions to this difference of opinion. I am of the viewpoint that this difference of opinion has received exaggerated attention under the appeal submissions. It is apparent that the CO was deployed in the preplanning discussions regarding the proposed development and during the evaluation of the application. This issue is highlighted in the planners report whereby it is stated that *'the Applicants Agent was clearly advised and guided throughout the planning process in order to develop an appropriate design response to this important protected building and its setting within the wider street setting'*. The CO also has very valid and reasoned points with respect of the proposed development and the contents of the COs report is most certainly reflected in the Further Information (FI) request that issued to the applicant. A significant issue was the omission of the arch and screen wall and this was addressed by the retention of these features in the FI response. Another significant issue at hand was the necessity to maintain a void space between the Protected Structure and the area of the mews rebuild. This space was to maintain the integrity and character/setting of the protected structure. The response to the further information reply redesigned the relevant space incorporating, inter alia, a frameless glazing area to this space between the protected

structure and the new build in the mews area. I consider this to be a creative design solution towards achieving this 'separation' thus maintaining the integrity and the character of subject protected structure. I note that innovative contemporary design solutions are to be encouraged and while the proposed contemporary design solution is most effective from the perspective of providing an attractive complimentary build, it also conforms to a subservient scale, which has to be considered as understated.

I also note that the proposed scale and mass of the proposed new build is subordinate to the scale and mass of the existing protected structure and it is clearly subordinate in scale to the adjacent premises Aranmore. Additionally, upon examination of the contiguous front elevation submitted as the response to FI it is apparent that the new build element is spaced or set apart sufficiently from No 19 to allow for the maintenance of its special character and setting and I do not consider that it would have any negative material impacts on the character of the streetscape or the historic 'sense of place' on Pembroke Rd.

While the CO was of the viewpoint that clarification of information be sought, I consider that given the standard of the creative redesign solution, the retention of the arch and screen wall as requested by the planning authority which was achieved and the fundamental necessity of preserving the character and setting of the Protected Structure which was achieved, I concur with the decision of the planning authority, which decided that permission of the proposed development be granted subject to conditions, as it would not negatively impact on the character and setting of the protected structure.

With regard to the overall design scheme for the new build in the area of the former coach house, a currently re-modified mews development, I draw attention to policy as cited in the *Architectural Heritage Guidelines* under para 3.10.1, which refers to development within an ACA and which is considered to be a good rule of thumb for an area of such significant historic and architectural merit as Pembroke road, which refers:

'Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character'.

With regard to the above stated '*mixture of styles*' I refer to the established development on the adjacent site Aranmore and the 1980s construct mews development on the appeal site. Overall, I am of the viewpoint that the proposed new build when compared to that which exists on site currently, actually de-clutters this space, when viewed from the front elevation, which currently has numerous planes and visually conflicting add-ons/forms. The resultant attractive and appropriately scaled new build with modified fenestration (under FI) and the appropriate palette of materials actually contributes to the built form on the appeal site and in my viewpoint does not detract from the protected structure on site or the character and setting of said protected structure or consequently the character and setting of the attached structure at No 21.

Accordingly, I concur with the first party response to the appeal submission whereby it is referred that the proposal will be a very successful insertion into the streetscape and a worthy addition to the environs of Pembroke Rd.

11.3 Impact on Residential Amenities- Bulk/Daylight/Sunlight

Under the application and appeal submissions concerns are raised regarding residential amenity of the properties in the area with respect of the proposals overall mass and bulk and potential for loss of privacy associated with the proposed new build element at the area of the established mews development on site. Concern is also raised regarding the potential for loss of daylight and sunlight.

Under an observation to the appeal the point is made that the revised design focuses on the front elevation, however these concerns, it is submitted, do not address alleged significant overbearing impacts, overlooking or overshadowing of the proposed development to the rear, particularly the Aranmore retirement complex on the adjoining site to the west.

With regard to the issue raised under the appeal submissions that refer to the proposed new build element being of an overbearing nature especially when perceived from the adjacent Aranmore retirement complex and its attendant garden, I consider that while the proposed four storey structure will most certainly be visible from the adjacent property and its garden, the proposal when set against the five storey Aranmore structure itself, which far exceeds the current proposal in height, scale, mass and bulk, could not be considered as overbearing. I consider that given the urban space that is in question, an unavoidable degree of visual intrusion is to be expected in certain instances, however I do not consider such visual intrusion in this instance to be overbearing.

Additionally, I am cognisant that the rear building line is a departure from that of the original street pattern for this area; however I note that the Aranmore Development on the adjacent site has also altered said rear building line and I do not consider that this established departure has negatively impacted on the character of the area.

With regard to the impacts on residential amenity associated with this altered rear building line an observation to the appeal indicates that the redesign (following FI) increases the size of the residential block to the rear from 9.95 metres to 11.95 metres. Additionally, it is referred that the separation distance to the rear boundary will be 9.39 metres, which will be 2 metres shy of the 11 metres requirement. I note that the redesign of the proposed new build area has introduced a moderate realignment of the proposed rear profile and I accept that this was a necessary measure in order to retain the arch and screen wall at the front elevation. With regard to the 11 metre rule I am of the viewpoint that given the established heavy coniferous screening on the south boundary of the site that currently protects privacy of the adjacent property to the immediate south, that the currently proposed slight relaxation of this rule is acceptable also being cognisant of proposed 1.8 metre obscure glass screen being proposed on southerly facing balconies. In the event that the Board is mindful of a favourable decision this band of coniferous trees on the south boundary shall be fully retained and protected during the construction process.

With respect of overlooking issues, concerns are raised under the appeal submissions on behalf of the residents of Aranmore. Specific attention is drawn to the upper side windows facing west and the upper floor balconies and the potential for lateral or oblique overlooking of the Aranmore Property from said viewing positions. The response to the FI request has indicated that obscure glass be incorporated into all the opes on the West elevation of the proposed new build and that the balconies on the upper floors on the south elevation also be constructed using 1.8 metre high obscure glass screening. In the given situation, it is deemed

that these measures are acceptable and will militate against any potential for overlooking of adjacent properties.

An observer to the appeal raises concerns regarding the potential for direct overshadowing of the adjacent properties particularly that of Arranmore. With regard to overshadowing/loss of daylight I very much concur with the opinion of the local authority planner where it is referred that given the limited depth of the new build and the long garden attendant to Arranmore that the impacts would be limited. I also note that the rear aspect of the proposed new build is directly south facing. Accordingly, the opportunity for some overshadowing in the early part of the day is relevant to a small area of the overall Arranmore site. As the sun at midday will be at its highest point due south of both properties opportunities for overshadowing of the Arranmore garden are minimised. Potential instances for overshadowing of Arranmore by the proposed new build in the later afternoon and evening are also negated. There may be some overshadowing of a portion of the appeal site's private open space in the evening hours; however sufficient space would remain out of shadow. Accordingly, I do not consider that instances of overshadowing of the adjacent property at Arranmore would cause any significant impacts on the residential amenity of said property.

11.4 Residential Standards

Following the request for FI the revisions submitted reflect changes to the floor plan layout of the new build. Thus changes have altered private open space requirements and have amenity issues for future residents, which the CO and consequently the planning authority has concerns with. Accordingly, the planning authority decided to grant permission subject to Condition No 3 which is cited above. I concur with the concerns of the planning authority regarding the single aspect of units 4 and 7 and the overall standard of amenity in terms of natural light and ventilation for these units and I consider that Condition No 3 should be retained in the event of a favourable decision.

As a result of the revisions submitted under FI the private open space in the form of terraces and shared public open space amounts to c400 sq. m., which is of an acceptable standard. Additionally changes result in an increase in site coverage from 31% to 34% where the target for this area is 45%. Given the site specific nature and the presence of a uniquely sited protected structure with long open front garden (now parking space) I am satisfied with this site coverage percentage.

Overall, given the above and the low standard of residential amenity of the established mews development on the site, that do not have the benefit of any attendant private open space, I consider that the proposal represents an improvement of the quality of residential development, on a per unit basis and also meets current residential standards requirements.

11.5 Other Issues

One of the appeal submissions raises the point that the underutilised property on the opposite side to Arranmore, No 11, already gives the Arranmore residents cause for concern as slates fall onto the Arranmore property, which gives rise to frequent correspondence with the Dangerous Buildings Section of Dublin City Council. This gives cause for concern. I am of the viewpoint that such an issue actually corroborates the necessity to have such historic buildings carefully upgraded and reinstated to full use, which avoids dereliction and the eventual demise of historic fabric. I note policy under the Architectural Heritage Guidelines under Section 1.1.2

refers the following: *'Sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. The creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand and to retain its character and special interest on the other'*.

Regarding the issue of planning precedent the issue of a previous refusal on the appeal site was raised under the appeal submissions and it is regarded that this refusal is grounds for a similar refusal with respect of the proposed development. I note that the previous refusal pertained to a 6 storey self-contained apartment block to the side and rear of the Protected Structure, No 19. I note the planners report states that the subject application is different to the previously refused application. I would concur with this viewpoint in that the current proposal is of a significantly more modest scale and has, in my viewpoint, maintained an adequate separation distance between the proposed new build and the protected structure and does not negatively impact its character and setting.

Additionally, issues regarding development proximate to party boundaries, encroachment and alleged illegal parking are civil issues and are not under the remit of the Board to comment on.

11.6 Appropriate Assessment

Having regard to the nature and scale of the proposed development, the fully serviced suburban location, the nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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.

12.0 CONCLUSION AND RECOMMENDATION

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2011 – 2017 Dublin City Development Plan, which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the Zone Z2 'Residential Neighborhoods (Conservation Areas)' land use zoning objective for the area in the current 2011-2017 Dublin City Development Plan and having regard in particular to the Protected Structure status of No. 19 (Record of Protected Structures Ref. No.6649) and the pattern of development in the area, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 as amended by plans and particulars submitted on the 11th November 2015, 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 the 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. Revised plans and elevations shall showing the following modifications shall be submitted to the planning authority for written approval prior to the commencement of development:
 - (a) Units Numbers 4 and 7 shall be combined to provide one unit only and one bedroom only shall be provided at lower ground level in this amalgamated unit.
 - (b) The western side of the terrace to Unit 6 shall be screened and access to same shall be confined to the area south of the window to Unit 4.

Reason: In the interest of proper planning and sustainable development.

3. Site development and building works shall be carried out only between the hours of 0800 hrs to 1800 hrs Monday to Fridays inclusive, between 0900 hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

4. The development shall comply with the following requirements:
- (a) All works shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ including structural elements.
 - (b) A Conservation Architect shall be employed to manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric and shall be carried out as per the submitted Conservation Methodology.
 - (c) (i) The applicant shall confirm the scope and specification for the proposed conservation works to the interior accommodation including the repair using appropriate materials of the plan and decorative lime plasters on foot of the proposed demolitions/stripping out works.
(ii) Details of any proposed damp treatment/upgrading works to be confirmed as necessary with the Conservation Section on site and the applicant is to submit the approved detail in writing for agreement for approval of the planning authority.
(iii) The applicant shall confirm the scope and specification of the proposed conservation works to the rear exterior including render and masonry repairs and alterations based on the site findings – a strategy for the conservation of the render to be informed by historic details surviving. Site exemplars shall be provided on site to indicate the character of the proposed render and to re-establish an overall coherent scheme to the rear.
 - (d) All repair of remaining original fabric and/or reinstatement of lost features shall be carried out by suitably experienced conservators of historic fabric, heritage contractors and/or skilled craftsmen. Materials and details shall be informed by appropriate extant examples in-situ or in similar/adjacent properties.

Reason: To ensure that the integrity of the Protected Structure No. 2 Belgrave Villas is maintained and that all works are carried out in accordance with best conservation practice.

5. The development shall comply with the following requirements:
- a) During the construction phase, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'
 - (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142 method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In the interest of residential amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. Prior to commencement of development, a programme of works regarding the demolition of existing extensions, including an evaluation of any hazardous waste/materials in the buildings and outlining safety measures and a timescale, together with removal of debris, shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity, safety and orderly development.

8. All site development works and services shall be carried out in accordance with the Department of the Environment Publication "Recommendations for Site Developments Works for Housing Areas".

Reason: In the interest of clarity and orderly development.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Aisling Dineen
Inspectorate
22nd March 2016.