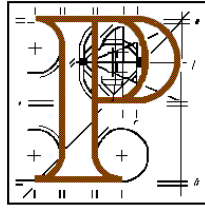


## An Bord Pleanála



### INSPECTOR'S REPORT

**DEVELOPMENT:** Construction of ground floor single storey extension to the rear of house with all associated site works (Protected Structure) at 2 Belgrave Villas, Dublin 6.

**LOCATION:** 2 Belgrave Villas, Dublin 6 .

#### PLANNING APPLICATION

**Planning Authority:** Dublin City Council

**Planning Authority Reg. Ref.:** 3807/15

**Applicant:** Jackie McWeeney

**Type of Application:** Permission

**Planning Authority Decision:**

#### PLANNING APPEAL

**Appellant:** Sean O hUiginn

**Type of Appeal:** Third Party

**Observers:** None

**DATE OF SITE INSPECTION:** 23<sup>rd</sup> February 2016

**INSPECTOR:** A. Dineen

## 1.0 SITE LOCATION

- 1.1 The appeal site is located at Belgrave Villas on Belgrave Avenue just off Belgrave Rd in the south City. It contains a three storey, two bay, mid terrace townhouse, which forms part of a terrace of three houses sited at a right angle to Belgrave Avenue.

## 2.0 PROPOSED DEVELOPMENT

The proposed development comprises the construction of a rear single storey extension to the middle house within the terrace of 3 dwellings. The extension comprises a total floor area of 22.3 sq.m. The overall dwelling to be retained within the site comprises a floor area of 145 sq. m. on an overall site area of 158 sq.m.

## 3.0 TECHNICAL REPORTS

- 3.1 Roads and Traffic Planning Division has no objection subject conditions.  
3.2 Conservation Officer has no objection subject to conditions.

## 4.0 PLANNING AUTHORITY DECISION

- 4.1 The planning authority issued notification of decision to grant permission subject to 8 conditions.

Condition No 2 referred that works be supervised by an architect or conservation expert.

Condition No 3 requires the following:

- (i) That specification works to interior accommodation including repair using plain and decorative lime plaster be submitted for confirmation.
- (ii) Details of repair and damp proofing works to be agreed with Conservation Section.
- (iii) The scope of conservation works to rear exterior to be submitted for confirmation.
- (iv) The masonry nibs of extant kitchen and small structural nibs from proposed new stairwell to be retained.

The decision of the planning authority reflects the planners report.

## 5.0 PLANNING HISTORY

EXPP 0618/08: Section 5 application for internal refurbishment of existing house rear extension to kitchen and rear detached single storey was Refused.

## 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.

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”.

## **7.0 GROUNDS OF APPEAL**

- It is submitted that the proposal will make a bad situation worse for all who are living at the appeal site location and for people coming and going.
- The proposed development poses a health and safety threat to the occupants of the three homes and it is considered peculiar practice to enhance one home at the expense of all three homes.
- It was hoped that a more comprehensive plan would be produced that would resolve the adverse effects mentioned in Architects submission of the 5<sup>th</sup> November 2015. Such effects are summarised as follows:
  - Concern is raised regarding structural works at or near the party wall.
  - Concern regarding such encroachment that would weaken the structure at No 1 in any way.
  - The structural supports needed to support and retain the upper two storeys of No 2 whilst removing the ground floor are potentially dangerous to number No 1.
  - There is a structural crack and bulging in the return south wall at No 2 requiring stabilisation. If works are to be done at or near the boundary wall, such works must be agreed with the appellant.
  - The projection and height of the extension will diminish the daylight and sunlight to the back of No 1. A shadow diagram would show these impacts however the preference would be that there would be no extension.
  - The extension would impinge more and restrict the amenity of the back garden, impinging on the amenity of the garden.
  - The appellant's suffer from ill health and it would be important that any works be carried out carefully to minimise noise and stress.
  - It is understood that the unit will be a single family dwelling unit. This would be requested to be specified in any grant of permission so that it cannot be used as apartments.
  - There are shared services crossing over the adjacent properties. It is important that these be protected and maintained.

## **8.0 RESPONSE OF THE PLANNING AUTHORITY**

- 8.1 It is submitted that the planners report deals fully with all of the issues raised and justifies its decision.

## 9.0 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. 2 Belgrave Villa, a Protected Structure;
- Impact on Residential Amenities of adjacent properties;
- Other Issues
- Appropriate Assessment

### 9.1 Principle of Development

The proposed development comprises a ground floor residential extension to a mid-terrace two storey house. 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'.

I would consider that the general principle of the proposed extension is acceptable provided that such a development does not detrimentally impact on the protected structure or its character and setting, and that residential amenity in the area is preserved.

### 9.2 Impact on No 2 Belgrave Villa, a Protected Structure (Residential Conservation Area).

The proposed development to the protected structure at No 2 Belgrave Villa entails the removal of sections of the rear wall at ground and stair landing levels and the construction of a ground floor extension to the rear of the structure. The overall extension will result in an increase in floor area of 145 sq.m. to 167 sq.m., which has been described by the local authority planner and the conservation officer as 'modest' in size, which I would concur with. The rationale presented by the applicant for the proposed extension is to internalise the living room and to improve the aspect and connection with the garden.

A conservation statement has been submitted under the application, which describes the house (a protected structure) as typical of many Victorian dwellings in the inner suburbs of Dublin City. The Conservation Statement is supported by a very detailed photographic inventory of the dwelling under Appendix A of the statement. The house which is part of a terrace has local interest and is important to the architectural character of the area. From an artistic perspective, the house contains plasterwork and joinery that although typical of the period are intact and in good condition. This statement concludes that the works proposed to the building are *'modest in nature and will allow the on-going enjoyment of the property'*.

Dublin City Council's Conservation Officer is also supportive of the proposed extension whereby the Conservation Report refers that the proposal is *'an appropriate scaled extension, which makes a connection to the garden level'* and also states that it has a *'diminutive and understated scale in the context of the tall rear elevation'*. The conservation officer also considers that where primary fabric is retained in-situ and repaired with appropriate materials and skills that the proposed interventions are likely to support the overall character and

structural stability of the dwelling. Accordingly the conservation report details a number of conditions which would be relevant in the event of a grant of planning permission.

Having considered the proposed development in context with the parent dwelling, which is a protected structure and with regard to the relatively modest scale of the proposal in a neighbourhood where there appears to be many over first floor rear extension constructs, I am satisfied that subject to the specified conditions under the Conservation Officers report, that the proposed development will not materially impact the character or setting of the protected structure and will accord with the proper planning and sustainable development of the area.

### 9.3 Impact on Residential Amenities/Daylight/Sunlight

Under the application and appeal submissions there are concerns raised regarding the residential amenity of the adjacent houses in the terrace. The appellant also raises issue with loss of sunlight/daylight to his property, which it is referred will impinge on the residential amenity of his property.

From the perspective of scale, I do not consider that the proposed development will comprise an overbearing or incongruous feature that would negatively impact the adjacent residential amenity of neighbouring properties. The proposed extension will be of single storey in height and is to be 3.1 metres high. As set against the 3 storey rear return, I do not consider that the scale proposed to be significant. From the perspective of overshadowing and impacts for daylight/sunlight given the orientation of the dwellings where due south is actually positioned directly to the rear of the properties I do not have any significant concerns. The property at No 1 Belgrave Villas could have some possible impacts from late evening westerly sunshine deprivation when the sun is at its lowest position, however the fact that there are other partition walls proximate to appeal site, would in my opinion, override any concerns regarding the sunlight impacts of the subject extension. Additionally, extant vegetation at the rear of No 1 Belgrave would also have impacts from within the site therefore this issue does not appear to have been problematic heretofore. In this regard, I do not consider that there will be any additional significant sunlight (or loss of) implications for this property other than what already exists.

### 9.4 Other Issues

There are many issues raised under the application and the appeal that are not within the remit of the planning authority. Issues such as the management of parking in a shared attendant space to the front of the subject terrace of dwellings (that is not included within the site area demarcated in red) are not material to the planning considerations of the current appeal. In any event the proposal entails an extension of a family home therefore there is no addition in the number of dwelling units using this space. Additionally, issues regarding development proximate to party boundaries and encroachment are civil issues and are not under the remit of the Board to comment on. While I do not harbour any concerns regarding a multiplicity of dwelling units being created under the current application/appeal I note that the appellant has concerns in this regard and requests that this be specifically addressed under this appeal and therefore I consider that an appropriate condition be imposed prohibiting the subdivision of the dwelling to more than one dwelling unit be imposed, which would accord with the proper planning and sustainable development of the area.

## 9.5 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.

## 10.0 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. 2 Belgrave Villas (Record of Protected Structures Ref. No. 8412) 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, 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. The dwelling shall be used a single dwelling house and shall not be subdivided or used for multiple occupancy.

**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.
    - (iv) The masonry nibs to the extant kitchen opening and small structural nibs to form the proposed new stairwell opening to the extension shall be retained.

(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.

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Aisling Dineen  
Inspectorate  
10<sup>th</sup> March 2015.