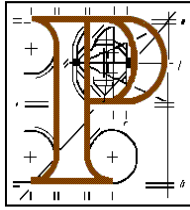


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246150

Development: Works to a Protected Structure to consist of demolition of two storey extension to the rear of the existing dwelling and the construction of a new two storey extension to the rear of the existing dwelling at no.17 Charleville Road, Rathmines, Dublin 6.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4021/15
Applicants: Muireann & Colm O'Briain
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Muireann & Colm O'Briain
Type of Appeal: First Party
Observers: None
Date of Site Inspection: 4th of May 2016

Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

Charleville Road is a cul-de-sac road opposite the St Louis Convent and High School grounds and is proximate to the Rathgar Road. The centre of Rathmines is to the north east. No. 17 Charleville Road, Rathmines is a two bay two storey brick and render detached dwelling with a two storey small flat roofed return at the rear. There are steps up to the front door. Nos.15, 16, 17 and 18 are all similar style period properties and many of these have rear extensions. The majority of the properties on Charleville Road consist of a variety of different style period properties.

There is pedestrian access to the front garden area and there is a larger mature landscaped garden at the rear. There are c.2m boundary walls and planting along the sides of the rear garden area. On-street parking is marked out and this is pay and display or resident permit.

The rear of the site has been developed some time ago with 2 no. mews dwellings that are accessed from Charleville Close, which contains more modern type dwellings. The Site Plan shows that these are nos.46 and 48, the latter is within the land holding of the applicant. There is a pedestrian gate between the rear gardens of no. 17 Charleville Road and no.48 Charleville Park.

2.0 PROPOSED DEVELOPMENT

The proposed development is for works to the Protected Structure to consist of demolition of the existing two storey rear extension and the construction of a new two storey extension to the rear of the existing dwelling. The application form provides that the site area is 663sq.m i.e that area shown within the red line boundaries, the floor area of the building proposed to be retained on site is 185sq.m, of new build proposed is 45sq.m giving a total floor area of 230sq.m. It also provides that 21.6sq.m of existing residential extensions is to be demolished. The proposed plot ratio is given as 0.35 and the proposed site coverage as 23%.

A Site Layout Plan, floor plans and elevations have been submitted showing the existing and proposed development.

A Conservation Report has been submitted by Terence Woods Architects. This is referred to further in the Assessment below.

3.0 PLANNING HISTORY

There is no planning history on record relevant to the subject site.

4.0 PLANNING AUTHORITY APPLICATION

Conservation Officer's Report

They recommended refusal for the following reason: *This proposal will alter the character of the protected structure, result in unnecessary and extensive loss of remaining original fabric and does not adhere to best conservation practices and is contrary to the Architectural Heritage Protection Guidelines.*

Engineering Department – Drainage Division

They have no objection to the proposal and recommend standard drainage conditions.

Planner's Report

The Planner had regard to the locational context of the site, to planning policy and to the Conservation Officer's Report and recommendation. The Planner is concerned that the proposed development would detract from the character of the Protected Structure in the Z2 residential conservation area. They do not consider that the proposed works which include the demolition of the existing return would be in accordance with best conservation practice and recommended that permission be refused.

5.0 PLANNING AUTHORITY DECISION

On the 15th of January 2016 Dublin City Council refused planning permission for the proposed development for the following reason:

The proposal to demolish the existing two storey return of the Protected Structure and to replace it with a new large extension is considered to alter the character of the P.S, result in unnecessary and extensive loss of the remaining original fabric, plan coherence and does not adhere to best conservation practices and is contrary to the Architectural Heritage Protection Guidelines. The proposal would therefore be detrimental to the character of the P.S and would set an undesirable precedent for similar historic buildings. The proposed development would, therefore, materially and detrimentally affect a protected structure and would not be in accordance with the proper planning and sustainable development of the area.

6.0 GROUNDS OF APPEAL

Hughes Planning & Development Consultants have submitted a First Party appeal on behalf of the applicants Muireann and Colm O'Briain. They provide a site and area description, have regard to planning policy and to the context of the site and to the Protected Structure and residential conservation area status of the site. A detailed description is given relative to the proposed development and a response to the Council's reason for refusal. Mapping, photographs and drawings showing the existing and proposed are also included.

In support of this appeal they ask the Board to refer to the revised drawings contained in Appendix A of their Report and submit that this amended drawing seeks to overcome DCC's concerns with respect to the special interest associated with the dwelling which is a P.S and provide details relative to this.

Their grounds of appeal are summarised as follows:

- The subject site is zoned for residential development subject to the need to protect and/or improve the amenities of residential areas.
- They contend that the proposal does not involve the demolition of an original rear return.
- The proposed development is to provide improved living accommodation for the applicants.

- The proposed rear extension, due to its design and scale and material finishes, will remain visually subordinate to host building and will not cause material detriment to the character or appearance of the building in the context of its status as a P.S.
- The proposed amendments presented for consideration by ABP seek to improve the relationship between the proposed extension and the host building, retaining vertical and horizontal symmetry in fenestration detail.
- The proposed development meets the quantitative and qualitative standards and objectives prescribed in the city development plan, with a design which is of a form and scale which does not cause any loss of amenity to neighbouring dwellings and which is generally consistent with the pattern of development in immediate vicinity of the site.
- They consider that the proposal does not conflict with conservation best practice as outlined in the Architectural Heritage Guidelines and provide details relative to this.
- They having regard to the history of extensions in the area and consider that when compared to the surrounding pattern of development (they include a no. of photographs) the proposal is modest in terms of form and scale and would not detract from the visual amenity or character of the area.
- They consider that precedent has been established for two storey extensions to the rear of dwellings and include examples of this.
- They provide that the proposal represents an acceptable form of development in this location and will not detract from the character of the area.

7.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

There has been no response from Dublin City Council to the grounds of appeal.

8.0 POLICY CONTEXT

8.1 Dublin City Development Plan 2011-2017

This includes a number of policies and objectives relative to the site.

Section 7.2 refers to Built Heritage. FC27 seeks: *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.*

Section 7.2.5.2 refers to Protected Structures and the Built Heritage. FC30 includes: *To protect these structures, their curtilage and the setting from any works that would cause loss or damage to their special character.*

FC31 seeks: *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.*

Section 7.2.5.3 refers to Conservations Areas including ACAs.

FC41 seeks: *To protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process.*

Chapter 15 refers to Land Use Zoning and as shown on Map H the site is located within Zone 2 where as provided in Section 15.10.2 the objective is to: *To protect and/or improve the amenities of residential conservation areas.*

Chapter 17 provides the 'Development Standards' in particular Section 17.9.8 refers to *Extensions and Alterations to Dwellings*. This notes *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.*

Appendix 25 provides Guidelines for Residential Extensions.

This Chapter also includes regard to sustainable site and building design and relative to Protected Structures, Conservation Areas and ACAs .

Section 17.10 provides the Development Standards for Works to a Protected Structure. This includes that a detailed conservation method statement shall accompany planning applications for works to protected structures and details are given of the criteria for this. Also, that all works to protected structures shall be carried out in accordance with best conservation practice.

Section 17.10.2 refers to criteria for works for development within the curtilage of a Protected Structure including that the design of new development, should relate to and compliment the special character of the protected structure.

Section 17.10.8 refers to Development in Conservations Areas and ACAs.
Appendix 10 refers to Protected Structures and buildings within Conservation Areas.
Appendix 11 refers to Proposed Architectural Conservation Areas.

8.2 Architectural Heritage Protection Guidelines for Planning Authorities issued by the DoEHLG in 2004/2011

This has regard to development within Protected Structures and within an ACA. A Protected Structure includes the interior of the structure and all fixtures and features which form part of the interior or exterior and within the curtilage of the structure. An ACA is used to protect groups of structures of distinctiveness or visual richness or historical importance including the setting of Protected Structures where it is more extensive than its curtilage.

Chapter 2 refers to the Record of Protected Structures in the Development Plan and has regard also to those buildings within the curtilage of a P.S. Section 2.2.1

provides: *A 'protected structure' is defined as any structure or specified part of a structure, which is included in the RPS.*

Chapter 3 includes regard to The Development Plan and to ACAs and regard is had to Categories of Special interest, Architectural interest and to the historical interest and character of the area.

Chapter 6 provides policies and objectives for Development Control, which seek to ensure the protection of the architectural heritage so that these structures retain their character and special interest and continue to contribute to the social and economic mix of the area. This also relates to the sensitivity of works within the curtilage of protected structures and attendant grounds and/or ACAs. The sensitive restoration of the character of a Protected Structure is also supported. Section 6.8 refers specifically to extensions.

Part 2 includes Detailed Guidance Notes relative to works to the Interior and Exterior and Access to Protected Structures. Chapter 9 refers to Roofs and Chapter 10 refers to Openings: Doors and Windows.

Chapter 13 refers to Development within the Curtilage and Attendant Grounds. Section 13.1.1 provides: *By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors.*

Chapter 16 refers to Making Good Disaster Damage. This includes regard in S.16.5 to Reinstatement of Interiors where the external shell of the building remains substantially intact.

9.0 ASSESSMENT

9.1 Principle of Development and Planning Policy

The impact on the Protected Structure and the character of the area needs to be considered. The First Party submits that the proposed development represents an appropriate form of development to this detached dwelling which seeks to improve the standard of living accommodation while also respecting the character and appearance of the Protected Structure and residential amenity of the area. The Council are not satisfied that the proposed development which includes the demolition and replacement of the existing two storey rear return is in the interests of best conservation practice or addresses the historical context and significance of the setting of this building in this row of Protected Structures in a residential conservation area.

Section 17.9 of the Dublin City Development Plan 2011-2017 provides 'Standards for Residential Accommodation' and S.17.9.1 refers to the 'Residential Quality Standards' and Section 17.9.8 to 'Extensions and Alterations' to dwellings. This provides that well designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates

with the existing building. Appendix 25 provides 'Guidelines for Residential Extensions' and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design. In this case regard must also be had Section 17.10 i.e. to development standards for works to protected structures and to the Architectural Heritage Guidelines, including Section 6.8 which refers particularly to extensions.

Whereas in general a well-designed extension is normally permissible in the residential/conservation Z2 land use zoning in accordance with the criteria of Section 17.9.8 and Appendix 25 the issue in this case is whether the proposed demolition of the existing two storey return and the replacement with a modern extension would integrate well with the existing building or have an adverse impact taking into account the location of the site, the amenities of the adjoining dwellings and the character of the protected structure and streetscape. These issues are discussed further in the context of this assessment below.

9.2 Design and Layout

The proposed works involve the demolition of the existing flat roofed two storey extension to the rear of the dwelling and the construction of a larger new two storey extension to the rear of the dwelling in a similar location. Existing and Proposed floor plans and elevations have been submitted. The existing extension to be demolished is 21.6sq.m and that proposed as given on the application form is 45sq.m. The existing extension accommodates a utility room and shower room at ground floor and a main bathroom at first floor. The proposed extension is to accommodate two bedrooms on ground floor level and a bathroom at first floor level. There is an internal change to bedroom 1 in the original dwellinghouse to accommodate a shower/wc and utility room area.

It is of note that the floor plans show the proposed floor area is shown in blue, however it is noted that the existing extension/return is to be demolished, therefore as shown the total g.f.a area of the proposed two storey extension is c.52.56sq.m.,. This includes a pitched roof shown 5.9m to ridge height. It includes an oval window at the rear. The plans and sections originally submitted show a lean-to type roof over the single storey element. The proposed extension is shown set c. 8.6m off the eastern site boundary with no.16 Charleville Road. The lean to shed adjacent to the western boundary is to be demolished and the single storey element is shown proximate to the boundary with no.18. The difference in the smaller single storey rear extension of that property to the existing extension of the subject property is shown on Fig. 12.0 of the documentation submitted with the First Party Appeal.

Therefore this proposed extension is larger than that to be demolished, has a pitched roof and a two storey and single storey element and also proposes some internal alterations. In this context Appendix 25 Section 2 of the DCDP 2011-2017 provides that new extensions: *Should not have an adverse impact on the scale and character of the dwelling.* It is considered that this is particularly important in this case as this is

an extension to a P.S Section 17.10 refers. Regard is also had to the amenities of neighbouring properties and to the need to achieve a high quality of design.

9.3 Conservation issues

The Conservation Report submitted with the application provides details of the proposed works and conservation approach. This considers that the proposed works are sympathetic to the existing dwelling while providing for improved living accommodation. It provides that the materials will harmonise with the existing dwelling as will the proposed extension in form and scale.

This also has regard to historic mapping and notes that the OSI mapping of 1888-1913, shows the original house but does not include the rear extension. They provide that based on historical mapping the current extension is not original and was added at some time after 1913. It is noted that the extension is not shown on the Historic 25" map. It appears to be a single leaf masonry construction with a torched or felt flat roof with little or no insulation. The First Party appeal provides details including photographs showing the poor condition of the existing two storey return.

The rear of the house has been developed with 2no. dwellings that are accessed from Charleville Close. One of these dwellings no. 48 forms part of the landholding shown in blue on the Site Layout Map. Therefore there have been changes to the extent of the original curtilage of the P.S.

The Council's Conservation Officer is concerned that the proposed development will have a negative impact on the P.S due to:

- The demolition of its original return which they do not support.
- Its replacement with a wider contemporary return in this specific instance as the P.S is part of a wider historic context.
- Overlooking of a deep plan roof (bedroom 1) from a principal reception space is detrimental to the amenity of the P.S.

They recommend that the proposal as presented should be refused as they are concerned that it will alter the character of the P.S, result in unnecessary and extensive loss of remaining original fabric, plan coherence and does not adhere to best conservation practice and is contrary to the Architectural Heritage Protection Guidelines.

Section 6.8.1 of these Guidelines refers to Extensions. This allows for some flexibility relative to sustainable development provided that there would be minimal impact on the fixtures and features of special interest and the historic fabric of the structure and includes: *It will often be necessary to permit appropriate new extensions to P.S in order to make them fit for modern living and to keep them in viable economic use.* While the extension should be appropriate and sympathetic to the symmetry and materials of the building, elevations and its curtilage it is noted that new extensions should not be disguised as original work i.e. *Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.*

It is considered that the proposed extension shown on the plans as originally submitted with this application on which the Council's refusal is based was not complimentary to the original building, in particular the design of the lean-to single storey extension element.

9.4 Regard to Revised Plans submitted

The revised plans submitted with the First Party appeal in Appendix A include the following amendments:

- The design of the single storey rear extension has been modified to incorporate a flat roof rather than a pitched profile.
- The proposed door and window on the rear/north elevation of the single storey element have been omitted, and it is now proposed to reuse the existing original timber framed Georgian style sash window on the rear elevation.

Regard is had to the revised plans and it is considered that these represent an improvement on those previously submitted. In particular it is noted that the lean-to roof has been replaced by a flat roof on the single storey element. This allows for the full length window in the original house to be shown which is considered important relative to retaining the character of the rear elevation. The changes to fenestration shown including the re-use of the existing slide sash window frame and stone cill are also considered to be an improvement. If the Board decides to permit it is recommended that it be conditioned that the extension be built in accordance with the revised plans.

As shown on the existing north elevation, there is an attractive stained glass semi-circular window shown above the existing two storey flat roofed extension. This may have formed part of a larger window that was removed to facilitate the existing extension. However it is considered an attractive feature within the P.S and can be seen from the rear garden area. It is recommended that if the Board decide to permit that it be conditioned that plans be submitted prior to the commencement of development to show this is appropriately retained.

9.5 Impact on the Character and Amenities of the area

The subject property which is a Protected Structure (Ref.1457 of the DCDP 2011-2017 Volume 3, Record of Protected Structures), and forms one of a row of large period redbrick detached houses. As shown on Map H of the Plan it is noted that these are all included in the Record of Protected Structures which are all set back from the Charleville Road frontage in this suburb of Rathmines.

The First Party provide that given the north-south orientation of the houses on Charleville Road, in addition to the design, scale and form of the replacement rear extension, including the setbacks from side property boundaries and depth from the rear building line, they submit that there would be no loss of residential amenity to the adjoining properties. It is not considered that proposed extension would impact adversely on these properties.

They also provide details of a number of precedent cases relative to rear extensions to Protected Structures. While the adjoining properties are similar house types there is a variety of house types on Charleville Road and some of these have two storey rear extensions. It is also noted that no.16 which is a similar house type and a P.S has a two storey extension at the rear with a first floor bathroom window facing. However it is considered that each case needs to be considered on its merits. It is recommended that if the Board decide to permit that the first floor side window facing no.16 be obscure glazed to prevent any overlooking issues.

The site is within the area zoned Objective 'Z2' i.e: *To protect and/or improve the amenities of residential conservation areas.* The general objective for these areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Also it is within this Z2 zoning due to the quality of the architecture in the surrounding area i.e Section 15.10.2 provides: *The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The guiding principle is to enhance the architectural quality of the streetscape within the area.*

Externally there are no changes proposed to the front of the dwelling so that there will be no changes to the view of the original property from Charleville Road. As the proposed rear extension is subordinate to the height and width to the main dwelling there will be no view from the streetscape. There is also no view from Charleville Close at the rear as the property is screened by nos.46 and 48. In view of distance it will not adversely impact on these properties.

9.6 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

10.0 CONCLUSION AND RECOMMENDATIONS

Provided the revisions to the proposed extension as discussed above are implemented it is considered that the proposed development will not unduly impact on the character of the Protected Structure or on adjoining properties. It is not considered that the proposed two storey rear extension will adversely impact on the character and amenities of this residential/conservation area of Charleville Road.

It is recommended that permission be granted subject to the conditions below.

11.0 REASONS AND CONSIDERATIONS

Having regard to the residential/conservation Z2 land use zoning of the site, and to the character of the area and to the design, nature and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the Protected Structure or seriously injure the residential amenities of surrounding dwellings or the visual amenities of the area. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 11th day of February, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The design of the proposed extension shall be amended as follows:
 - (a) The single storey lean-to element is not permitted and the proposed extension shall be constructed in accordance with the revised plans submitted by the First Party in Appendix A.
 - (b) Revised plans shall be submitted showing the semi-circular stained glass window in the first floor element and original features retained.
 - (c) The first floor side window shall be obscure glazed.
 - (d) The proposed extension including any roofing/guttering shall not overhang and be constructed within the application site boundaries.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. 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.

6. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

Angela Brereton,
Inspector,
11th of May 2016