



An
Bord
Pleanála

Inspector's Report PL 29.246895

Appeal Reference No:

PL 29.246895

Development:

Permission sought to retain sand/cement render finish to lower half of front elevation at 41 West Road, East Wall, Dublin 3.

Planning Application

Planning Authority:

Dublin City Council

Planning Authority Reg. Ref.:

2741/16

Applicant:

Martin Sadlier

Planning Authority Decision:

Refuse Retention Permission

Planning Appeal

Appellant:

Martin Sadlier

Type of Appeal:

First Party – V – Refusal of Retention

Date of Site Inspection:

20th September 2016

Inspector:

Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The application site is located along West Road in East Wall in Dublin 3. It is a corner site being located at the junction of West Road and Strangford Road. There is a two-storey end-of-terrace dwelling located on the site. It faces across West Road towards a large embankment with a rail line running along the top of the embankment. The front elevation of the dwelling on the site has a red brick finish to its upper half and a plaster finish on its lower half. The dwellings that make up the rest of this terrace all have brick finishes to their front facades.

2.0 PROPOSED DEVELOPMENT

The applicant is seeking retention permission for a sand/cement render finish to the ground floor area of the front façade of a two-storey, end-of-terrace dwelling on the site.

3.0 PLANNING HISTORY

Application Site:

2424/09: Permission granted for the development described as: 'Alterations to previous application 1635/06, that will involve a change of use of the ground floor of 41 West Road from retail to residential including removal of front shutters and reducing front ground floor window to match adjoining houses and reinstatement of front garden and garden wall and reinstating 41 & 42 West Road into two individual 2 bed two storey houses and for construction of a 2 storey pitched roof extension to the rear of both houses with rear first floor windows and 2 no gable windows on the Strangford Road side, with velux roof windows in existing rear roof, and single access gates to rear lane.' Condition No. 2 read as follows: 'The external finish shall match the existing house in respect of materials and colour. Reason: To protect existing amenities.'

1635/06: Permission granted for the development described as: 'the demolition of existing shed and single storey extension to rear of 41/42 West Road, and the construction of new 2 storey extension at rear with single storey element to boundary of rear laneway, to facilitate extension of shop at ground floor with kitchen and W.C. area at 41 West Road and new kitchen to rear of existing house at 42 West Road all at ground floor level. New living room/bathroom at first floor level at rear of 41/42 West Road and side of Strangford Road. New window at first floor level on existing gable at Strangford Road, East Wall, Dublin 3'

5029/05: Permission refused for a development described as: 'at 41/42 West Road / Strangford Road, East Wall, Dublin 3, for, (a) Demolition of existing

detached garden shed and existing single storey kitchen extension, all to rear of existing dwellings at numbers 41/42. (b) Construction of new two storey 1 bedroom house attached to rear of existing dwellings with internal garage, with access from Strangford Road. (c) Conversion of existing dwellings numbers 41/42 into 2 new apartments. (i) Ground Floor apartment to incorporate existing ground floor areas of numbers 41/42 including existing shop at no. 41 and utilising existing entrance at 41 West Road. (ii) First floor apartment to incorporate existing first floor areas of numbers 41/42 with balcony to rear elevation, and utilising existing ground floor entrance at 42 West Road. (d) All necessary internal alterations and associated works.' Permission refused for 2 reasons relating to inadequate open space provision and adverse impacts on neighbouring residential amenities.

E0900/15: Reference is made on file to a warning letter being issued (ref: Section 21 of the Planning Application Form).

Sites in the wider area:

2678/03: Permission granted for the following development description: 'for alterations to the front elevation and change of use from bakery premises to residential use at 37 West Road, East Wall, Dublin 3.' Condition No. 2 read as follows: 'Prior to the commencement of development the applicant shall submit to the agreement of the Planning Authority, modifications to the proposed development to ensure that the external finish of the development the subject of this permission shall match the existing finish of the houses in the immediate vicinity in respect of materials, design and colour. In this regard the proposed development shall adhere to the following: (a) The brick and brick bonding shall match the existing brick and bonding of the property. In this regard the front elevation shall be red brick, constructed using the 'English Garden Wall Bond' (b) The front elevation window at ground floor level shall be omitted and the solitary ground floor window shall be re-aligned to be consistent with the pattern of fenestration in the area. (c) The windows to the front elevation shall be up and down (vertical) timber sash windows Such agreement shall be obtained in writing from the Planning Authority prior to the commencement of development Reason: In the interests of visual amenity and in order to comply with the residential conservation zoning objective.'

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 16/06/16:

- Refusal recommended for one reason.

Engineering Department Drainage Division Report 24/05/16:

No objection subject to condition.

Transport Infrastructure Ireland Report dated 19/05/16:

- No observation to make on the application.

Objection/observation: An objection/observation on file makes reference to the following: cement render finish looks unfinished; unattractive; finish not in keeping with the streetscape; rest of terrace all red brick; one of the few terraces left not destroyed by unsympathetic finish; unit and architectural integrity should be maintained; reference made to conditions on 2424/09; historical Dublin houses; integrity and character should be protected; refers to East Wall Area Action Plan 2004, and highly visible eyesore on a prominent perimeter street.

4.2 Planning Authority Decision

By Executive Order dated 17/06/16 the planning authority decided to refuse retention permission for one reason as follows:

‘Having regard to zoning objective of the site (i.e. Z2 – ‘to protect and/or improve the amenities of residential conservation areas’) under the current Dublin City Development Plan (2011-2017) the proposed retention of a sand/cement rendered finish would be out of character with the existing red brick terrace and seriously injurious to the visual amenities of this residential conservation area. The proposal, in itself and by the precedent it would set, would therefore be contrary to the provisions of the said Plan, including Appendix 8 in respect of alterations to dwellings and Section 17.10.8 in respect of development in residential conservation areas, and to the proper planning and sustainable development of the area.’

5.0 GROUNDS OF APPEAL

The contents of the first party’s grounds of appeal can be summarised as follows:

- The applicant refers to a number of photographs submitted with the appeal.
- The premises was used as a shop before planning permission was received for change-of-use to a residence.
- The lower half of the front elevation was rendered with sand/cement.
- That was the status of the front elevation when the property was purchased by the applicant.
- A photo submitted shows the updated elevation with the shop front removed.
- The brickwork following the removal of the external render is not in good condition and could not be brought back to its original condition.
- A matching brick could not be found to infill the shop front for a new domestic scale front window.

- The elevation as now finished was considered to be the most practical solution due to the condition of the brick work behind the render finish.
- The render finish is similar to the original shop front sand/cement.
- The applicant refers to the external finishes to other houses nearby.
- If it was practical to bring the existing damaged brickwork back to an acceptable finish it would have been done.
- As can be seen from the houses nearby not all have the red brick finish.
- The front elevation as now finished is not out of character with the existing red brick terrace.
- The house is at the end of the terrace and can accommodate different external finishes.
- It does not set a precedent as the situation is unique due to being a shop front previously.
- The Board is urged to reverse the p.a. decision.

6.0 RESPONSES TO GROUNDS OF APPEAL

6.1 Planning Authority response

There is no response on file from the planning authority at time of writing.

7.0 POLICY CONTEXT

The operative plan for the area is the Dublin City Development Plan 2011-2017. The site is located in an area where the land use zoning objective is Z2 as indicated on Map E of the plan. Other directly relevant sections of the CDP are:

- Policy FC41 Relating to Conservation Areas
- S.17.9.8 – Extensions and Alterations to Dwellings
- S.15.10.2 – Residential Neighbourhoods (Conservation Areas) – Zone Z2
- S.17.10.8 – Development in Conservation Areas and Architectural Conservation Areas
- Appendix 25 – Guidelines for Residential Extensions

Copies of the above extracts are in the appendix attached to this report for ease of reference by the Board.

8.0 ASSESSMENT

It appears that the ground floor area of the dwelling that is the subject of the appeal previously accommodated a corner shop. Under 2424/09 permission was sought to effectively remove that use and reinstate a residential use at ground floor level and integrate it back into the dwelling as originally existed on the site. The dwelling and associated terrace is estimated to date from the

early C20th (c.1915). It appears the works were carried out but a sand/cement render finish was applied to the ground floor area of the front façade. The applicant is now seeking permission to retain that sand/cement render. The planning authority refused for one reason citing, *inter alia*: the Z2 zoning relating to residential conservation areas; the proposal being out-of-character with the existing red brick terrace; concerns in relation to precedent being set, and the provisions of section 17.10.8 of the CDP relating to development in conservation areas. (In its reason for refusal the planning authority also cited appendix 8 of the CDP, this appears to be an error and should, it appears, have referred to appendix 25 as referenced in the Planner's Report.)

In the p.a. Planner's Report on file it is stated that under 2424/09 the "elevational drawing submitted with that associated application did not specify a finish, but there was no indication in the drawing that the finish at ground floor level would not match the remainder of the house". While I agree with the p.a. Planner that there was no such indication that the finish at ground floor level would not match the remainder of the house, I would note that the drawing titled 'Proposed Elevations', drg. no. 0820_05 Rev. A on that application did actually specify a finish. On that elevation drawing it states "Existing shutters to be removed and front window reduced in size to match adjoining houses with brick type & coursing & stone head to match existing" (copy of drawing and relevant extract in appendix attached to this report). It is therefore my interpretation of that drawing and associated text that the ground floor was to be finished in brick to match the existing.

I would acknowledge that a number of dwellings in the wider area have, over time, had inappropriate finishes applied to the original facades and some of these interventions have detracted from the visual amenity and overall character of the area. Nevertheless, I share the concerns of the planning authority.

The dwelling is located approximately midway along a street frontage that is subject of a Z2 zoning which seeks to protect and/or improve the amenities of residential conservation areas as indicated on Map E of the CDP. This zoning is applied to areas that have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. Section 15.10.2 of the CDP indicates that the general objective for such areas is, *inter alia*, to protect them from unsuitable new works that would have a negative impact on the architectural quality of the area. The uniformity of design and finish of these dwellings fronting onto West Road clearly contribute to the architectural quality of the area that gave rise to the Z2 zoning. While some dwellings in the Z2 zoned area have had their front facades altered and thus negatively impacting on the overall character of the area, I do not consider that this justifies facilitating further inappropriate alterations. The sand/cement render as now proposed is alien in the context of this streetscape as originally developed. I note also the provisions of

section 17.10.8 of the CDP where it addresses development in conservation areas. In that section it is indicated that it is the policy of the p.a. to have regard to, *inter alia*, the impact of development on the immediate streetscape in terms of compatibility of design and materials. It also states that development in conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development, new alterations should complement existing buildings in terms of design and external finishes. Interestingly that section goes on to specifically refer to cement renders where it states the following: "*Proposals for the application of cement render to the external fabric of older buildings will not be encouraged in conservation areas.*"

Notwithstanding the applicant's reference to not being able to source a matching brick, I am not convinced that all options have been exhausted in relation to a technical solution here. I do not consider that the planning authority have been unreasonable in this instance, many of the inappropriate finishes elsewhere in the Z2 area would date from decades previously, the p.a. is obliged to uphold the policies and objectives of the CDP that now apply. All the other dwellings that make up this terrace along West Road from Moy Elta Road junction to Strangford Road junction have, for the most part, the original brick finish to their facades in place. The render finish in this context is introducing a new element. It detracts from the character and setting of this terrace. The Z2 zoning here reflects the architectural heritage value of the area. I note also the observation on file addressed to the planning authority submitted at application stage (see section 4 above for a summary of the contents of that submission). I would also have concerns that it would set an undesirable precedent in the area for similar solutions where previous inappropriate works to the main elevations are now being reversed but still fail to comply with the CDP requirements.

(Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.)

9.0 CONCLUSIONS AND RECOMMENDATION

I recommend that the retention permission be refused for one reason as indicated below.

REASONS AND CONSIDERATIONS

The proposed development is located in an area where the land use zoning objective is 'Z2 – Residential Neighbourhoods (Conservation Areas)', which is to protect and/or improve the amenities of residential conservation areas, this objective is considered reasonable. It is considered that the sand/cement render to No. 41 West Road would be out of character with the brick finish of the terrace in which the dwelling is located and would detract from the visual

amenity and architectural quality of this terrace. Furthermore, section 17.10.8 of the Dublin City Development Plan 2011-2017 states, *inter alia*, that new alterations should complement existing buildings in terms of external finishes and further states that proposals for the application of cement render to the external fabric of older buildings will not be encouraged in conservation areas. The proposed development would thus be contrary to the land use zoning objective and conflict with section 17.10.8 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Tom Rabbette
Senior Planning Inspector
20th September 2016