



An
Bord
Pleanála

Inspector's Report PL29S.247170

Development

Demolition of existing side extension to house and construction of new part single storey and part two storey extension, internal refurbishment and alterations and alterations to existing front entrance and railings to provide off street parking for two cars to No.20 Palmerston Park (a protected structure) and for the demolition of the existing mews building at No.20 Palmerstown Lane and the construction of two new three storey semi-detached mews dwellings.

Location

No. 20 Palmerston Park and 20 Palmerstown Lane, Dublin 6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3105/16

Applicant(s)

Miracove Limited

Type of Application

Permission

Planning Authority Decision

Split decision

Type of Appeal

Third Party

Appellant(s)

Mary Murnaghan
William and Eithne Bennett
Richview Residents Association
John and Frank Heavey
Fergal Hardiman and Margaret
Dockery - Hardiman

Observers

Veronica Mahon
C and M Buckley
Heather Adair
Peter Larkin
Rathgar Residents Association
Michelle Corvin
Judith Joyce
John and Eva O'Donovan
James and Christa Hennessy
Gillian Farren and Others
Leonie Patterson
Joseph and Barbara Deasy
Patrick Ridge
Liz Conaty
A Browne and M Arumugasamy
Stephanie Ryan
Dorothy Cashman
Louisa Maguire
Pauline O'Connell
Oliver Tuffy
Gerard Cavanagh
Kevin Wallace

Elizabeth Burke

PA Connellan

Tim and Denise Carpenter

7th December, 2016

Date of Site Inspection

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Palmerston Park facing the park near the eastern end. The main dwelling on the site comprises a two storey over lower ground level semi-detached dwelling that dates from the 1870s. The dwelling and the adjoining semi-detached house located to the west, form one of five pairs of semi-detached dwellings located to the east of the junction with Palmerston Road. All of these dwellings follow the same basic design with some limited variations and, with the exception of the dwelling on the appeal site, none have been the subject of significant extension that is visible from the street.
- 1.2. The main dwelling has a stated floor area of 345 sq, metres and is currently unoccupied and in a generally poor state of repair. The information submitted with the application indicates that the house was last occupied in c. 2006 and that the last residential layout provided for an independent flat at lower ground floor level. The windows to the house have been boarded up. Based on an internal inspection of the house and the available survey information there is some evidence of damp and water ingress however the basic structure is sound and the roof in generally sound condition. The house retains a significant number of original features and plasterwork which is in relatively good condition.
- 1.3. The dwelling on the appeal site has been the subject of a two storey extension to the east side which dates from the early part of the twentieth century. This extension comprises a lower ground floor level that accommodates a store room and workshop and a glazed conservatory above at upper ground floor level. The most recent use of this upper conservatory level was as a kitchen. The structural condition of the existing side extension is poor and the application is accompanied by a structural report and detailed photographic survey with a specific survey document relating to the extension.
- 1.4. To the rear the dwelling has a large rear garden surrounded by granite walls of c. 2.5 metres in height. To the rear and accessed from Palmerston Lane is a large two storey four bedroom mews dwelling that dates from approximately 1980. This dwelling has an L shaped floorplan and is set back from the southern side of the lane

and is currently vacant and in poor condition. Currently there is no sub division of the garden area between the main dwelling and the mews. The stated floor area of this mews dwelling is 148 sq. metres.

- 1.5. To the front of the main dwelling, the site currently has pedestrian access with no off street car parking provided. There is permit / pay and display parking on Palmerston Park in the area to the front of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises refurbishments to the main dwelling, the demolition and reconstruction of the side extension, off street parking and works to the front boundary and the demolition of the existing mews and the construction of two new mews dwellings. The following sections detail the proposed works.
- 2.2. The demolition of the existing two storey side extension comprising a total of 59 sq. metres and the construction of a new part two storey and part single storey side extension structure comprising a new kitchen area at lower ground floor level and a conservatory at upper ground floor level. The design of the proposed extension and specifically the upper level conservatory is contemporary with a glass box conservatory.
- 2.3. Internally within the main house it is proposed that the building would be renovated with new wiring, plumbing and decoration and a number of internal revisions made to the layout. These include the removal of a number of non original internal partition walls, the creation of an opening between the main reception rooms at upper ground floor level, the reinstatement of the original layout for the main staircase between the lower and upper ground floor levels, the creation of an en suite bathroom in the main bedroom, the creation of two new bathrooms at lower ground floor level and the undertaking of a number of alterations to existing opes in the rear elevation. The changes to the rear elevation include the removal of the existing fire escape staircase, the modification of two existing opes to form one larger ope, the modification of two existing opes to create French doors.

- 2.4. To the front of the main dwelling it is proposed to alter the existing front entrance gate and railings to create a vehicular entrance and to landscape the front garden area incorporating the provision of a parking area for two cars.
- 2.5. To the rear of the site fronting onto Palmerston Lane it is proposed that the existing two storey mews dwelling would be demolished and in its place that two new semi-detached mews dwellings would be constructed. These dwellings are proposed to each have a floor area of 219 sq. metres and comprise a two storey element fronting onto Palmerston Lane with a two storey over partial basement level to the rear. The mews dwellings are proposed to front directly onto Palmerston Lane and off street car parking is proposed at ground floor level within each unit. The proposal includes for the separation of the mews sites from that of the main dwelling by the construction of a new granite wall. The depth of the rear gardens of the proposed mews dwellings is c. 9 metres and that between the boundary and the rear elevation of the main dwelling approximately 18 metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a split decision with permission granted for the renovations, internal alterations and side extension to the main dwelling at No.20 Palmerston Lane and for the demolition of the mews fronting Palmerston Lane and its replacement with two semi-detached mews dwellings. Permission was refused for the alterations to the front boundary railing and for the creation of off street parking for the accommodation of two cars.

The Notification of Decision to Grant Permission for the works to the main house and the mews site was subject to 14 no. conditions. The most significant of these in the context of the appeal are considered to be as follows:

Condition No.3 clarified that the permission granted did not relate to the

Condition No.5 requires that all glazing to the eastern side elevation of the conservatory at upper ground floor level shall be permanently glazed with opaque glass. development.

Condition No.6 requires that works be undertaken in accordance with best conservation practice.

Permission was refused for the proposed works to the front boundary of the site and the provision of two off street car parking spaces for a reason that can be summarised as follows:

That the proposed works would result in the removal on street car parking and would therefore be contrary to Policy SI13 of the Dublin City Development Plan, 2011-2017, would reduce the supply of on street car parking, create an undesirable precedent for other similar forms of development and would seriously injure the amenities of this residential conservation area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the design of the proposed development and the submissions received. The content of the internal reports and specifically those of the Conservation Officer and Roads and Traffic Planning Division are also noted. The proposal is considered to be acceptable with the exception of the proposed alterations to the front boundary and off street car parking. A split decision consistent with the Notification of Decision issued is recommended.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division – Recommends that the proposed off street parking to Palmerston Park be omitted on the basis that it contravenes Policy SI13 of the plan and would result in the loss of the resource that is pay and display /permit parking.

Drainage Division – No objection subject to conditions.

Conservation Officer – No objection subject to conditions. Report states that the proposed conservation works are welcomed and that the proposed extension with its first floor conservatory is in keeping with the original design concept of the house and is appropriate in size and design. The report also comments on the proposed mews development and states that the proposed mews buildings would encroach significantly into the rear garden and that there is insufficient distance separating to the main house and that the development appears over intensive as a mews development subservient to a protected structure.

3.3. **Third Party Observations**

A total of eight objections were made to the Planning Authority and the issues raised can be summarised as follows:

- Excessive scale and mass of the proposed mews structures and the precedent of the sub division of the site into two mews sites.
- The negative impact of the proposed mews structures on the residential amenity of surrounding mews properties.
- The negative impact of the mews structures on the traffic in the vicinity.
- The potential impact of the excavation required for the mews buildings on the structural integrity of surrounding buildings.
- Contended that the proposed mews structures do not meet development plan standards.
- That the proposed extension to the side of the dwelling would have an adverse impact on the character and setting of the protected structure at No.20. The existing side extension should be retained / refurbished.
- That the proposed vehicular entrance from Palmerston Park is contrary to development plan policy and should not be permitted.

4.0 Planning History

The following planning history is of relevance to the assessment of this appeal:

Dublin City Council Ref. 5347/08; ABP Ref. PL29S.234417 – Permission granted by the planning authority and granted on appeal by the Board for the demolition of the existing side extension to No.20 Palmerston Park and the construction of a new one storey over basement level extension to the side and part two storey over basement extension to the rear. The development to the side of the dwelling permitted in this application comprised the reconstruction of the lower ground floor of the existing extension and the reconstruction of the existing conservatory structure at upper ground floor level.

Dublin City Council Ref. 5347/08/X1 – Extension of duration of above permission granted until 23rd February, 2018.

Dublin City Council Ref. 6121/07 – Split decision issued by the Planning Authority refusing permission for extension to the side and rear of the dwelling at No.20 Palmerston Road, grant permission for internal alterations to the structure at No.20 and for the creation of a vehicular access and provision of off street car parking and for the demolition of the existing mews building and its replacement with 2 no. semi-detached mews buildings of three storeys in height. On appeal the Board issued a split decision with a decision to Grant permission for the alterations to the existing structure at No.20 Palmerston Park including the vehicular entrance and off street car parking, grant permission for the demolition of the existing mews building and its replacement with two semi-detached mews structures and to refuse permission for the proposed extensions to the side and rear of the existing dwelling. The side extension proposed under this application was of similar height when viewed from the front as that proposed in the current application. It was however of a significantly larger scale wrapping around the rear of the building and extending significantly beyond the rear building line and out to the boundary with the adjoining property to the east. The reason for refusal of permission by the Board for the side and rear extension related to the scale height and design being visually obtrusive in the residential conservation area and being detrimental to the character and integrity of the protected structure. It was also considered that the proposed side extension

would have an adverse impact on the residential amenity of the adjoining property to the east.

Dublin City Council Ref. 3041/13 – Permission granted by the Planning Authority for works to the adjoining building to the west (no. 19 Palmerston Park) that included renovation of the structure and the creation of a vehicular access and the provision of one off street car parking space.

5.0 Policy Context

5.1. Development Plan

It is noted that the application the subject of this appeal was assessed by the Planning Authority under the provisions of the Dublin City Development Plan, 2011-2017. Since the decision of the Planning Authority, the new Dublin City Development Plan, 2016-2021 has come into effect.

The appeal site is located on lands that are zoned Objective Z2 under the provisions of the Dublin City Development Plan, 2016-2021. The stated objective for Z2 lands is *'to protect and or improve the amenities of residential conservation areas'*. It is stated in 14.8.2 of the Plan that the general objective for such 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. Residential development is a permissible use on lands that are zoned Objective Z2.

Policy MT14 of the Plan states that it is the policy of the council to minimise the loss of on street parking. This policy appears to replace SI13 of the previous 2011-2017 Plan which stated that it was policy to retain on street car parking as a resource for the city as far as practicable.

Policy CHC2 relates to protected structures and inter alia states that it is policy to protect form or features that contribute to the special interest character and not cause harm to the curtilage of the structure by the form, scale, design, height and proportions relating to and complementing the character of the structure.

Policy CHC4 relates to developments within conservation areas, including Objective Z2 residential conservation areas and requires that development will not harm buildings and street patterns that contribute to the special interest of the area, shall not harm the setting of the conservation area and shall not constitute a visually obtrusive or dominant form.

Paragraph 16.10.16 relates to mews developments.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the five third party appeals submitted:

- That the proposed double mews development would have an adverse impact on the amenity and setting of surrounding properties. The proposed mews would lead to the overshadowing of these adjoining structures.
- That the planning authority has ignored the advice of the conservation officer with regard to the impact of the mews dwellings on the protected structure at No.20 Palmerston Park.
- The proposed mews development is contrary to many standards set out in the City Development Plan, 2011-2017.
- That the problems that would arise with the precedent for the sub division of the site and the change in character and congestion of Palmerston Lane were recognised in the report of the previous planning Inspector (Ref. 29S.227735).
- The design of the proposed mews with the blocky appearance and flat roofs will have an adverse impact on the character of the area.
- That a single mews dwelling would be more appropriate form of development on the site.
- That no other mews developments on the lane extend to the full width of the plot which would be unique on the lane. It is also proposed to be without any

set back. The proposed development would not complement the character of the Z2 residential conservation area.

- That the proposed mews dwellings are sub-standard in terms of private amenity space. Each mews has 6 no. bedspaces generating a requirement for 90 sq. metres of private amenity space. The units only provide 51 sq. metres.
- That excessive weight has been given to the decision under Ref. 6121/07 to grant permission for two mews buildings.
- That the lane is below the minimum of 4.8 metres in locations where telegraph poles are located opposite each other.
- That the proposed materials to the mews dwellings are inappropriate and do not complement the area as required by the development plan in residential conservation areas.
- That there would be significant issues accessing other houses during the construction phase of the development.
- That the proposed refurbishment of the main dwelling at No.20 Palmerston Park and its proposed use as a single dwelling is welcomed in principle.
- That the proposed contemporary design of the side extension / conservatory is considered to be out of keeping with the surroundings. It is noted that the section of Palmerston Park has remained very intact with a symmetry to the buildings. If a new side extension is proposed it should be in a more traditional form similar to the existing.
- That the proposed side extension would have an adverse impact on residential amenity particularly due to overlooking from the clear glazed rear elevation of the extension over the adjoining site at No. 21.
- It is noted that the Planning Authority and An Bord Pleanála both previously refused permission for a side extension at No.20.
- That the fact that the existing conservatory has deteriorated in condition should not be a justification for the proposed contemporary design approach.

- That the design form proposed would lead to light pollution and would be excessively visually prominent at night.
- Potential structural damage to No.21 Palmerston Road.

6.2. Observers to Appeal

A total of 25 no. observations on the appeal submissions have been received. The following is a summary of the main issues raised in these submissions that are not raised in the third party appeal submissions:

- The side extension would result in the loss of the symmetry in the semi-detached houses that is such a feature of the road.
- That the junction of Palmerston lane with Milltown Path is a very dangerous junction and the additional traffic would result in a traffic hazard.
- That the existing conservatory should be retained as it is part of the historic character of the house.
- That the proposed contemporary side extension would impact on the view from Palmerston Park.
- That the decision of Dublin City Council and the report of the Planning Officer does not address the apparent inconsistencies of the permitted mews development with development plan policies.
- That there is inadequate specification of proposed materials and finishes.
- That the accuracy of the layout of adjoining properties is lacking in the submitted plans.
- That the groundwater level is known locally to be above the level of the proposed basement.
- That under ref. 2489/14, the planning authority required that significant amendments be made to a proposed extension to the side of No.21 Highfield Road.

- That the proposed side extension would go totally against the protected structure status of the site and destroy its character.
- The fact that the existing extension is not original and is in poor condition is not relevant and is not a justification for demolition.
- That the back lane is a sensitive area as reflected in its Objective Z2 status and the area is characterised by a number of important structures including an old coach house which is referred to in the submitted drawings as a shed.
- That all other mews developments on the lane have a 'view through' aspect which this proposal due to its scale, width and bulk will not have.

6.3. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the proposal for the two mews houses is largely the same as that which was permitted in 2007 though slightly smaller and with the removal of the full basement level. This layout was permitted by both the planning authority and by the Board.
- That the comments of the conservation officer regarding the mews layout were noted by the planning officer and the report states that the layout is acceptable having regard to the size of the plot, the planning history, building design and the pattern of mews development on the lane.
- That the existing pattern of mews dwellings on the lane varies significantly with a number of large houses and some with limited amenity space to the rear. The design of the mews buildings also shows significant variation.
- That the plot at No.20 Palmerston Lane is exceptionally wide at 16.8 metres and can accommodate two units.
- That the proposed site coverage is approximately similar to that of adjoining mews dwellings at Nos. 19 and 21.

- That the rear elevation of the proposed mews is consistent with that on the adjoining site at No.19.
- That the rear boundary to the main house will result in a rear garden of 18 metres in length and c. 270 sq. metres in area. The rear garden is larger than those at Nos. 19 and 14 Palmerston Park.
- That the proposed rear parapet height of the proposed mews would be 1.4 metres lower than the apex of the pitched roof at No.19 and only 0.25 metres higher than the roof of the existing mews building on the site. The scale and massing of the proposed development is not therefore excessive.
- That the design approach in terms of the length of elevation and the relationship to the existing ground floor level stone wall to the lane is consistent with existing buildings on the lane.
- That the units have been designed to prevent overlooking and it is not considered that the drawings submitted with the Richview Residents Association submission are an accurate representation of the proposal.
- That the development to the side of the main dwelling differs from that permitted under Ref. 5347/08/x1 by being reduced in area from 187.5 metres to 74.5 sq. metres. The previously permitted basement is now omitted.
- That the proposed side extension is carefully detailed to and designed to integrate with the existing structure.
- That existing planting that has grown since the previous permission was submitted in 2007 will largely obscure views of the proposed extension.
- That there is precedent for similar contemporary designs of extension in the general area. Specifically, No. 22 Highfield Road images of which are submitted.
- That the design of the conservatory would be such that there would not be any more light emitted from the structure than would be the case with the existing design.

- That the existing conservatory is in a poor state of repair as set out in the structural report and reconstruction of the existing would largely be a reproduction with very limited original fabric maintained.
- It is requested that An Bord Pleanála reviews condition No.3 which requires the omission of the off street parking proposed for the site. There is well established precedent for similar forms of off street parking in the general area. Permission was granted in 2013 for off street parking at No.19 and it is submitted that the loss of one on street space to facilitate the access would result in a net gain of one space.

6.4. **Other Referrals**

The application was referred to An Chomhairle Ealaíon and to Fáilte Ireland. No response to these referrals was received within the time period specified.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development.
- Proposed Off Street Parking and Related Development.
- Mews Development and Related Conservation Issues and Impact on Visual and Residential Amenity,
- Proposed Works to Main House and Related Conservation Issues and Impact on Visual and Residential Amenity,
- Other Issues.

7.2. **Principle of Development**

7.2.1. The appeal site is located on lands that are zoned Objective Z2 under the provisions of the Dublin City Development Plan, 2016-2021. Under this land use zoning

objective residential development is normally permissible subject to compliance with other relevant development plan policies regarding design, layout and impact on residential amenity.

- 7.2.2. I note that the Z2 zoning objective states that it is an objective *‘to protect and or improve the amenities of residential conservation areas’* and that the general objective for such 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. Policy CHC4 of the Plan relates to developments within conservation areas, including Objective Z2 residential conservation areas and requires that development will not harm buildings and street patterns that contribute to the special interest of the area, shall not harm the setting of the conservation area and shall not constitute a visually obtrusive or dominant form. The sections below relating to the proposed mews development and the works to the main house at 20 Palmerston Road will address in more detail the impact of the proposals on the architectural quality and character of the area and whether the proposed works would be consistent with the land use zoning objective.

7.3. Proposed Off Street Parking and Related Development.

- 7.3.1. The application proposes the removal of a section of the front boundary railing and the creation of a vehicular access together with the landscaping of the front garden incorporating the provision of a parking area for two cars. The proposed off street parking and works to the front boundary were refused permission by the Planning Authority in a split decision. In their submission to the Board the first party has requested that the off street parking would be permitted and has noted the fact that permission for an off street parking area was granted on the adjoining site at No. 19 by the council in 2013, that there is an established pattern of off street parking in the vicinity along Palmerston Park and that the proposal would result in a net gain in the number of parking spaces.
- 7.3.2. With regard to the detail of the design proposed for the alterations to the boundary and the parking area, the layout is in accordance with the standards set out in the development plan in that the width of the proposed access is restricted to 2.6 metres and the opening is proposed to be located in the position of the current pedestrian

access to the front garden. The layout of the front garden area and proposed landscaping is also considered to be generally acceptable.

- 7.3.3. With regard to the reasons for the refusal of permission by the planning authority, I note that the proposal was assessed under the provisions of the Dublin City Development Plan, 2011-2017 and that the reason for refusal makes reference to contravention of Policy SI13 of the Plan. This states that it is policy to retain on street parking as a resource for the city as far as practicable. The new Dublin City Development Plan does not contain a policy with the same wording as SI13 and Policy MT14 states that it is policy *'to minimise the loss of on street car parking whilst recognising that some loss of spaces is required for, or in relation to sustainable transport provision, access to new developments, or public realm improvements'*. I also note that under the heading of conservation areas, paragraph 11.1.5.12 of the plan includes Policy CHC8 which states that it is policy *'to facilitate off street parking for residential owners / occupiers where appropriate site conditions exist while protecting the special interest and character of protected structures and conservation areas'*.
- 7.3.4. The parking policy in the new City Development Plan is not in my opinion as clear as the previous version in terms of the principle of the loss of on street parking. I also note the fact that the majority of the houses along the section of Palmerston Park from Milltown Lane to Palmerston Road where the appeal site is located currently have off street car parking, including the recently permitted off street parking on the adjoining site at No.19. The form of the amendments to the front boundary proposed and the landscaping of the site are such that in my opinion the works would not have an adverse impact on the special interest and character of the protected structure on the site or on the residential conservation area (Objective Z2 area) in which it is located. The front garden area of No.20 is of sufficient size that off street parking can readily be accommodated while maintaining a significant landscaped area.
- 7.3.5. On balance, while I note that it is policy to minimise the loss of on street permit parking, I consider that the circumstances of this case where two off street spaces are to be provided, where the layout is such that it would not impact negatively on the character or setting of the protected structure or conservation area, where there is precedent for other off street parking spaces being permitted and where there is a limited demand for the on street spaces during daytime hours as evidenced by the

situation observed during the inspection of the site, that the proposed development is acceptable and would not be contrary to the provisions of the development plan. It is therefore recommended that permission would be granted for the works to the front boundary and the off street car parking proposed.

- 7.3.6. The applicant has submitted a landscaping survey drawing (Drawing No. 201) which also indicates in a general form the landscaping measures that are proposed on the site of the main dwelling. In the event of a grant of permission it is recommended that a more detailed landscaping plan that would include details of the provision of a minimised parking area would be submitted to the Planning Authority for agreement.

7.4. Mews Development, Related Conservation Issues and Impact on Visual and Residential Amenity,

- 7.4.1. The development proposes the demolition of the existing large mews building located facing Palmerston Lane and for the construction of two semi-detached two and part three storey houses on the site. The appellants and observers have raised a range of issues regarding the proposal including the acceptability of the principle of the sub division of the site into two units, the design, scale and three storey nature of the proposed dwellings and its compatibility with the surrounding developments and the conservation area designation and the impact of the proposed developments on the setting of the main dwelling.
- 7.4.2. The first party note the fact that the principle of demolition of the existing structure and the sub division of the site has been established on the site by the permission granted by the Planning Authority and then by the Board on appeal (Refs. 6121/07; ABP Ref. PL29S.227735). I note that this is the case and also note that the design and scale of the current proposal is very similar to that previously permitted. In its direction on ref. PL29S.227735 the Board set out the rationale for permitting the sub division of the mews site. This decision was based on the width of the site (16.8 metres), the scale of the existing mews house on the site, the separation between the proposed mews dwellings and the main house on the site (No. 20 Palmerston Park), the width of the mews lane, the design of the proposed houses, the adequate provision of private amenity space and the general pattern of development in the area. The following sections address some of the reasons cited by the Board in

more detail, however I consider that notwithstanding the fact that paragraph 16.10.16 of the plan states that the amalgamation or sub division of plots on mews lanes will generally not be encouraged, the width of the existing mews site is such that the principle of the sub division of the site should be open for consideration.

- 7.4.3. With regard to the relationship between the proposed mews dwellings and the main house and the provision of private amenity space, the layout proposes a new stone wall located such that the main dwelling would retain a rear garden of c. 18 metres in length. As noted by the first party in its submission, the rear garden of the main dwelling would be larger than that serving nos. 14 or 19 Palmerston Park and at c.270 sq. metres is more than adequate to serve the main dwelling. I would agree that the area of garden proposed to remain with the main house is acceptable from an open space perspective and it is also my opinion that while the garden is significantly reduced from its original layout that sufficient space is retained such that the setting of the protected structure at No.20 Palmerston Road would not be adversely impacted. The separation distance between the main rear elevation of the proposed mews and the rear of the main dwelling would be c. 27 metres and it is my opinion that this separation, together with the fact that the mews would be clearly subordinate in scale to the main structure, means that the setting of the protected structure would not be significantly impacted.
- 7.4.4. In terms of the layout of the proposed mews dwellings, the area of open space to the rear measures approximately 60 sq metres per unit when account is taken of the incidental areas around the steps to the lower ground floor levels. Each unit has a total of 6 no. bedspaces and based on the standards set out at 16.10.2 of the development plan of 10 sq. metres per bedspace the proposed layout is considered to be acceptable.
- 7.4.5. The appellants make reference to comments contained in the report of the Conservation Officer questioning the appropriateness of the proposed mews layout. As set out above, the layout is in my opinion consistent with the provisions of the development plan and I do not consider that it is such that it would have an adverse impact on the setting of the protected structure at No.20 Palmerston Road. It is not clear from the Conservation Officers report exactly what aspect of the proposal is considered inappropriate and the report does not clearly state that it is considered

that the scale of development is inappropriate in terms of its potential impact on the setting of the protected structure.

7.4.6. With regard to the impact of the mews development on the amenity of adjoining properties, the proposed development extends to the eastern and western boundaries. To the south, the development would have a potential impact on the availability of light to the front of No.19 during the early morning period at certain times of the year. I note that Drawing No.202 submitted with the application indicates shadow projection diagrams for the existing and proposed scenarios. These diagrams however only indicate the impact at summer and winter solstice at midday. Notwithstanding this, I consider that the overall impact on the amenity of No.19 due to overshadowing is not likely to be significantly adverse. Similarly, to the east, the proposed development adjoins the part of No.21 that adjoins the shared boundary. The scale of the development proposed on the appeal site is significantly greater than this adjoining structure on the site of No.21 and there may be some potential shadowing of the area between the buildings on No.21. I do not however consider that such impacts would be such as to have a significant adverse impact on residential amenity. The design of the proposed development is such that I do not consider that there would be a significant loss of amenity due to overlooking.

7.4.7. The scale, bulk and height of the proposed development and the fact that it is proposed to extend the full width of the site are issues that are raised by the appellants and observers to the appeal and it is contended in many submissions that the form of development is such that it would not satisfactorily integrate with the existing development on the mews lane and would have an overall adverse impact on the conservation area. With regard to the acceptability of the scale, design and bulk of the proposed mews development and its impact on the conservation area there are a number of points worth noting. Firstly, as set out by the first party, there is a variety of styles and scales of development existing on Palmerston Lane. Specifically, there are examples of mews developments with a continuous frontage of similar scale to that proposed on the appeal site and also developments that front directly onto the lane. Other mews sites have a similar plot ratio and site coverage to that which is currently proposed and the existing scale of development on the site is significant. The form of development proposed with a parapet and flat roof and the overall height proposed is clearly of a larger scale than existing developments on the

lane however, as set out by the first party, the overall height is significantly lower than the apex of the pitched roof at No.19 and only 0.25 metres higher than the roof of the existing mews building on the site. On balance therefore, having regard to the existing pattern of development on the lane and to the existing scale of development I do not consider that the scale of what is proposed is excessive relative to the surrounding development and is not such that it would harm the setting of the residential conservation area in which it is located or would constitute a visually obtrusive or dominant form of development.

7.5. Proposed Works to Main House, Related Conservation Issues and Impact on Visual and Residential Amenity,

- 7.5.1. The proposed development includes the demolition of the existing two storey side extension comprising a total of 59 sq. metres and the construction of a new part two storey and part single storey side extension structure comprising a new kitchen area at lower ground floor level and a conservatory at upper ground floor level. The design of the proposed extension and specifically the upper level conservatory is contemporary with a glass box conservatory. This side extension dates from c.1910 – 1920 and the structure has been the subject of significant deterioration over the last number of years and particularly since the house was last occupied in 2006. Previous applications on the site had proposed works to the extension and a proposal under Ref. 6121/07; ABP Ref. PL29S.227735 for the demolition of the existing extension and the construction of a new extension to the side and rear of contemporary design was refused permission by the Board on the grounds that included its scale height and design being visually obtrusive in the residential conservation area and being detrimental to the character and integrity of the protected structure. A subsequent application for development that incorporated the reconstruction of the existing extension (Dublin City Council Ref. 5347/08; ABP Ref. PL29S.234417) was permitted.
- 7.5.2. The proposed development also includes works to the interior of the structure comprising the reinstatement of the original staircase connection between the lower and upper ground floor levels, the creation of an opening between the main upper ground floor reception rooms and the undertaking of a number of other relatively

minor internal revisions. It is also proposed to make a number of alterations to open in the rear elevation including the changing of a window opening to match that of the adjoining semi-detached dwelling and the installation of French doors in existing openings. The application details include a comprehensive photographic record of the structure that indicates the areas where the internal alterations are proposed. The application is also accompanied by a conservation statement that addresses the proposed internal works, changes to the rear elevation and the works to the side extension.

- 7.5.3. The alterations proposed to the interior and rear elevation of the property are in my opinion such that they would not have an adverse impact on the character of the protected structure and combine works that would reinstate original features with those that assist in adapting the property to modern residential accommodation. It is therefore my opinion that the proposed internal works and alterations to the rear elevation are acceptable.
- 7.5.4. With regard to the proposed demolition of the existing side extension and its replacement with a new structure including a contemporary glazed box conservatory structure at upper ground floor level, I note the submission made by the first party regarding the structural condition of the extension. On the basis of the information presented in the structural report, the photographic survey and my inspection of the property I accept that the existing structure cannot readily be repaired. It is also my opinion on the basis of the information available that the reconstruction of the extension as proposed would result in the deconstruction and rebuilding of the extension with a limited amount of the original fabric retained.
- 7.5.5. I note the concerns expressed by the third party appellants and observers in this case regarding the appropriateness of the proposed design in a residential conservation area and attached to a protected structure. I also note the very clear and largely undisturbed pattern of the semi-detached houses along this section of Palmerston Park and the fact that none of the other houses currently have side extensions of a similar form or scale to either the existing structure or the proposed replacement. With the exception of the dwelling on the appeal site none of the other houses have extensions or other alterations that significantly impacts on the symmetry of the original layout.

7.5.6. The design of the side extension proposed is of a high quality and, with a high standard of construction and specification of materials, would result in a quality development. In principle, the proposed design would accord with accepted conservation practice that extensions to protected structures would be clearly distinguishable from the original building and that they would be reversible and I note the content of section 6.8 of the Architectural Heritage Protection Guidelines for Planning Authorities in this regard. Notwithstanding this however I am not convinced that the design approach is appropriate for this location. The boldly contemporary design approach proposed would in my opinion be clearly at odds with the existing character of the conservation area and would result in a form of development that would have an excessively visually prominent impact on the visual amenity and setting of the conservation area and well as on the protected structure. The width of the proposed extension is also greater than the existing structure on site, being c. 700mm wider than the existing. Concerns regarding the night time visual impact and potential for light spillage have been expressed by third parties and on this issue I do not agree with the case made by the first party that there will not be additional light spillage from the proposed extension relative to the form of the original conservatory. The proposed development would in my opinion result in a form of development that would set an undesirable precedent for other similar forms of development. In this regard I note the fact that the first party makes reference to a permitted development to the side of No. 22 Highfield Road and photographs of this development are included in the first party response submission. This development, while contemporary, is however of a very different form to what is proposed in the current application.

7.5.7. The circumstances of the current application whereby the structural condition of the existing extension is such that a very limited amount of the structure would be capable of being reused in any redevelopment also raises the question as to whether the fact that there is an existing extension justifies there being an assumption that a new structure would be permitted. In the event that a reconstruction was possible, as was proposed and permitted under Ref. PL29S.234417, it is clear that there is a strong case for redevelopment. In the circumstances of the current application however where the existing non original extension is not capable of being saved then it is my opinion that the assessment of the acceptability of the proposed

development is justified in making the assessment de novo as if there was no existing structure. In such circumstances it is my opinion that permission should be refused on the basis of adverse impact on the character of the conservation area and on the character and setting of the protected structure.

- 7.5.8. The argument could be made that to refuse permission would potentially lead to a situation where permission is sought to reconstruct the extension in a similar form to the existing and that the result would be a pastiche of the original and that such an approach is inconsistent with good conservation practice. In the event that such an application was made it would have to be assessed on its merits and a determination made as to whether it was appropriate to permit a replacement structure.

7.6. **Other Issues.**

- 7.6.1. With regard to appropriate assessment issues, the proposed development will not result in a significant intensification of use of the site over the existing permitted residential use of the main dwelling and existing mews dwelling structure. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- 7.6.2. A number of submissions make reference to the potential traffic implications arising from the proposed development, specifically the mews developments and the potential implications that the precedent for intensification of development on this mews laneway could have. The mews at Palmerston Lane is in excess of the 5.5 metres minimum specified in 16.10.16 of the Plan for a mews lane where there is no footpath. I note the comments regarding restricted width where there are opposing telegraph or other utility poles however there is in my opinion sufficient width along the length of the lane to cater for pedestrian and vehicular traffic without creating a hazard. With regard to precedent, it is noted that there are limited sites available on the southern side of the lane for future development. I would also note that the current development pattern is such that development is only on the southern side of the lane. The access from the lane to Milltown Path is a location where there is a restriction on visibility and there are a number of junctions to the south of the site in

particular where the lane meets Palmerston Park and Richmond Avenue where the visibility is restricted. Milltown Lane is however effectively a mews lane itself with no dedicated footpath and traffic volumes are relatively low with traffic passing at reduced speed. Overall therefore, I am of the opinion that the proposed development can be accommodated on the local road network without an adverse impact on traffic or pedestrian safety.

- 7.6.3. A number of the third party submissions make reference to flood risk and specifically the potential for the proposed semi basement level of the mews dwellings to impact on the water table. The proposed semi basement level will result in development extending c.1.85 metres below the existing ground level. Given this depth of excavation and the extent proposed I do not consider that it is likely that there would be any potential adverse impacts arising.

8.0 Recommendation

Having regard to the above it is recommended that a split decision be issued as follows:

- 8.1. **Grant permission** for internal alterations to the existing house including the following:

Removal of some internal partition walls and floor slab, form 1 no. opening between two main reception rooms at upper ground floor level; form one new and one modified opening in gable wall at upper ground floor and one new opening in the lower ground floor level; provide new opening in lower ground floor Rm-0-06, lower ground floor; reinstate main stairs between lower and upper ground floors; provide en suite bathroom and dressing room to master bedroom at first floor; remove existing toilet and provide two bathrooms on lower ground floor with associated re wiring, re plumbing and re decoration throughout; rear elevation lower ground floor modify two existing openings and provide two pairs of French doors, break out wall below central opening and provide new up and down sash window,; upper ground floor, modify two window openings to form one enlarged opening and provide a new up and down sash window with two side lights to match window opposite; remove existing external stair to rear elevation and provide new up and down sash window in

existing opening; enlarge existing roof light to Rm-2-03; alterations to existing front entrance gate and railings to make provision for two off street parking spaces, solar panel on roof, soakway and associated hard and soft landscaping to the front and rear of the property.

for the reasons and considerations marked (1) under and subject to conditions marked (1) set out below.

- 8.2. **Grant permission** for the demolition of the existing two storey detached mews at No.20 Palmerston Lane and the construction of 2 no. three storey semi-detached mews houses being two storeys fronting onto Palmerston Lane and two storeys over semi basement level to the rear; provision of one car parking space for each dwelling; external landscaping and stone boundary walls.

for the reasons and considerations marked (2) under and subject to conditions marked (2) set out below.

- 8.3. **Refuse permission** for the demolition of the existing two storey side extension and the construction of a new part two storey, part single storey extension to the side and rear of the existing property based on the reasons and considerations marked (3) under.

9.0 **Reasons and Considerations**

Reasons and Considerations (1)

Having regard to the design of the proposed development, the extent of works proposed and impact on original fabric of the building and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area and would not adversely affect the character of the protected structure or conservation area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions (1)

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 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 following elements of the proposed development are not permitted:
 - (a) the demolition of the existing conservatory and extension to the side of No.20 Palmerston Park.
 - (b) The extension to the side and rear of the main dwelling at No. 20 Palmerston Park.

Reason: In the interest of clarity.

3. The following shall be complied with in the development:
 - (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
 - (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2004. The repair works shall retain

the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.
- (d) full details of the proposed damp proofing/ mechanical and electrical services / insulation and replacement windows shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. The width of the proposed vehicular access shall be a maximum of 2.6 metres. The extent of hard landscaping shall be minimised and space for the parking of a maximum of two cars shall be provided. Existing front railings shall be used in the new vehicular gates. Revised proposals showing compliance with these requirements shall be submitted to and agreed with the Planning Authority prior to the commencement of development.

Reason: To protect visual amenities and the character of this residential conservation area.

5. Prior to the commencement of development a landscaping scheme shall be submitted for the written agreement of the planning authority. This scheme shall include details of all existing trees and hedgerows on the site, identify those for retention as well as measures for their protection during construction works. The site shall be landscaped in accordance with the agreed scheme which shall include a timescale for implementation.

Reason: In the interests of visual amenity.

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.

Reasons and Considerations (2)

Having regard to the Objective Z2 Residential Conservation Area zoning objective for the area, to the size of the site and extent of existing mews development and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not have a significant adverse effect on the character or setting of the protected structure at No.20 Palmerston Park, or the residential conservation area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions (2)

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 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. 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.

3. The car parking spaces serving the permitted mews dwellings shall be kept free from obstruction at all times for use by the occupiers of the dwellings and shall not be separated by sale or lease from the permitted mews dwellings. Gates to the integrated car parking areas shall not open outwards or otherwise obstruct the mews laneway.

Reason: To ensure the provision of adequate off street parking to serve the proposed development.

4. 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.

5. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

10. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of urban legibility.

11. 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.

Reasons and Considerations (3)

1. Having regard to the scale and contemporary design of the proposed replacement side extension, to the location of the site within a residential conservation area and to the presence of a protected structure on the site and to the existing pattern of development in the vicinity of the site on this section of Palmerston Park, it is considered that the proposed development would constitute an excessively visually prominent and visually intrusive element in this residential conservation area such that it would detract from the setting of the conservation area and have an adverse impact on the character and setting of the protected structure at No.20 Palmerston Park. The proposed development would therefore be contrary to Policy CHC4 of the Dublin City Development Plan, 2016-2021 and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

16th December, 2016