



An  
Bord  
Pleanála

## Inspector's Report PL29S.247181

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<b>Development</b>	Demolish single storey and first floor extension and erect new single storey and first floor extension at rear of protected structure.
<b>Location</b>	34 Windsor Road, Rathmines, D6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3088/16.
<b>Applicant(s)</b>	Cormac and Bryanna Ryan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Francis Berry.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	03 <sup>rd</sup> of November 2016
<b>Inspector</b>	Karen Hamilton.

## 1.0 Site Location and Description

1.1. The subject site is a two storey semi-detached protected structure located along the southern end of Windsor Road, Rathmines. The dwelling has front and rear gardens and a two storey rear return. There is a substantial rear garden and mature trees and hedging along the rear boundaries.

## 2.0 Proposed Development

2.1. The proposed development consists of:

- Demolition of a ground floor rear extension and first floor study;
- Construction of single storey ground floor extension and first floor study.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission. Conditions of note include:

- C. 2: All works required in accordance with best conservation practice.
- C. 4: Archaeological monitoring required if any material discovered.
- C. 5: Control of noise during construction.
- C. 8: Compliance with Codes of practice from Traffic and Noise and Environment Section.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planner included the recommendations of the Conservation Officer in assessing the impact of the proposed development on the protected structure and the recommendation for a grant of permission.

#### 3.2.2. Other Technical Reports

Conservation Officer- No objection subject to conditions

Drainage Division- No objection subject to conditions.

City Archaeologist- No objection subject to conditions.

### 3.3. **Prescribed Bodies**

None received.

### 3.4. **Third Party Observations**

One third party submission was received and the contents are addressed in the grounds of appeal.

## 4.0 **Planning History**

There is no planning history on the site.

## 5.0 **Policy Context**

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

Chapter 6 & 7: Conservation principles for works to a protected structure.

### 5.2. **Dublin City Development Plan 2016-2022**

The site is zoned in **Z2** "To protect and/or improve the amenities of residential conservation areas".

5.2.1. No 34 Windsor Road is a protected structure and borders the Zone of Archaeological Constraint for the Recorded Monument DU022-081 (Battlefield site), therefore the following policies and guidance apply.

**Policy CHC2:** To ensure that the special interest of protected structures is protected.

**Section 11.1.5.3 Protected Structures - Policy Application.** The design, form, scale, height, proportions, siting and materials of the new development should complement the special character of the protected structure.

**Appendix 24:** Protected Structures and Buildings in Conservation Areas.

**Section 11.1.5.13 Preservation of Zones of Archaeological Interest** and Industrial Heritage. Development standards relate to the protection of archaeology in line with relevant legislation, DAHG policy documents and guidelines.

#### 5.2.2. **Extensions to dwellings.**

**Section 16.10.12 Extensions and Alterations to Dwellings:** Extensions to dwellings must not have an adverse impact on the scale and character of the dwellings or adversely affect the amenities of the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

**Appendix 17:** Guidelines to extensions to dwellings.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main issues in the grounds of appeal may be summarised below:

- The location stated on the site notice is incorrect.
- No reference has been made in the development description for internal works to replace a front bedroom with ensuite bathroom.
- C. 2 requires that all works are carried out in accordance with best conservation practice and the national guidance. It is argued that based on the extent of demolition, this proposed development could not possibly comply with conservation guidance.
- There is concern over the impact of the works on disruption from noise and potential damage to property of the adjoining semi-detached dwelling.

### 6.2. **Applicant Response**

The response from the agent on behalf of the applicant may be summarised as follows:

- The site notices referenced Rathmines correctly.
- C. 5 refers to the appropriate noise control during demolition.

- The appellant has incorrectly referred to an amendment to the interior of the dwelling unit.
- The appellant's concerns over the impact on the adjoining dwelling are noted and it is stated that the proposed works have been designed by a professional structural engineer and any appointed contractor will take due care to minimise the impact on adjoining properties.
- Reference to C. 2 is noted. It is the understanding of the applicant that "repair rather than replace" shall be applied to all works other than those applied for demolition. The original features of the existing dwelling will be retained and the modern design of the proposed development will set the two apart.

### 6.3. **Planning Authority Response**

No response was received from the planning authority.

### 6.4. **Observations**

No observations were received.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Residential Amenity
- Built Heritage
- Other Matters
- Appropriate Assessment

### **Principle of Development**

7.2. The proposed development includes the demolition of rear ground floor and first floor extension and reconstruction of an additional floor space of 20m<sup>2</sup> on the ground floor. The site is zoned for residential development in the current development plan

and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

**Residential amenity.**

- 7.3. The subject site is a semi-detached dwelling. The proposed development includes the demolition of single storey rear ground floor extension and first floor study and reconstruction of larger ground floor rear extension and first floor study. The grounds of appeal argue that the proposed works will have a negative impact on the residential amenity by way of additional noise and disruption during construction. A response from the applicant states that a structural engineer was involved in the design process and works will be undertaken by a reputable construction firm. In addition, they have stated that new acoustic panelling will be integrated along the boundary walls during the construction. I note the retention of the current party boundary in the proposed development and the conditions included in the grant of permission in relation to the control of hrs of operation, compliance with British Standard for noise control and Codes of Practice from the Traffic and Noise and Air Pollution Section of Dublin City Council. I consider a restriction on noise levels during construction reasonable to mitigate against any negative impact on the adjoining residential amenity.
- 7.4. The ground floor extension remains in the same location adjacent to No 36 Windsor Road, albeit extended west into the existing private amenity space. The proposed first floor rear extension will also be in the same location although the amended design includes a smaller window orientated towards the west of the site away from the rear of No 36 Windsor Road. Therefore, based on the retention of a similar footprint and the proposed design of the first floor window I do not consider the proposed development would have any negative impact on the residential amenity of the adjoining resident by way of overlooking or overshadowing.
- 7.5. Therefore, based on the conditions for mitigating negative impacts and the overall location and design of the rear extension I do not consider the proposed development would have significant negative impacts on the residential amenity of No 36 Windsor Road.

## **Built Heritage**

- 7.6. No 34 Windsor Avenue is a protected structure. The proposed works include the demolition of a single storey rear return, first floor study and replacement with similar structures. The ground floor will increase by 20m<sup>2</sup> and the reconstruction of the study will be at the same location. The extension will be a modern design, with flat zinc clad roof, aluminium windows and doors and smooth rendered external walls. The grounds of appeal argue that the demolition is not in keeping with best practice guidance for protected structures.
- 7.7. Section 6.8 of the “*Architectural Heritage Guidelines for Planning Authorities, 2004*” provides guidance on extensions to protected structures. Guidance on design states that attempts should not be made to disguise new additions or extensions, nor is there a requirement to make them imitate historical styles. The applicants argue that the proposed modern extension provides a suitable relationship with the protected structure. The proposed extension will not be visible from the front of the dwelling and there is little change to the footprint of the extension. I consider it appropriate that a modern extension be used to replace the current ground floor lean to and first floor study and I do not consider the proposed development provides any additional bulk or mass onto the protected structure.
- 7.8. A conservation assessment accompanied the planning application which states that the area on the proposed ground lean to extension and first floor study, which are subject to demolition are not part of the original dwelling. I note from site inspection the majority of the rear extension is a relatively new addition, in comparison to the main dwelling. I note the report of the Conservation officer and inclusion of C. 2 that works be carried out in accordance with best conservation practice. The grounds of appeal refer to the “*repair rather than replace*” reference in C. 2 a contradiction as the proposal includes for demolition and rebuild. I understand from the national guidance the spirit of the condition relates to the protection of the original fabric and reuse of materials in the construction where appropriate. I have assessed the proposed development on its merits and I consider the undertaking of works in accordance to best conservation practice is appropriate in the interest of protection of the character of the protected structure.

7.9. Therefore, based on the extension to be demolished and the scale and location of the proposed development, I do not consider the works would have a negative impact on the character and setting of the protected structure.

#### **Other Matters.**

7.10. No 34 Windsor Road is located bordering the Zone of Archaeological Constraint for the Recorded Monument DU022-081 (Battlefield site). I note the report of the City Archaeologist and C. 4 in relation to the archaeological monitoring. I consider the inclusion of a similar condition to be reasonable.

#### **Appropriate Assessment**

7.11. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

### **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

### **9.0 Reasons and Considerations**

Having regard to the zoning objective, the design and layout of the proposed development and 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 visual amenities of the area or residential amenity of property in the vicinity or have a negative impact on the nature and setting of a protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **10.0 Conditions**

1. The development shall be carried out and completed in accordance with



the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

3. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the [residential] amenities of property in the vicinity of the site

4. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

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Karen Hamilton  
Planning Inspector

29<sup>th</sup> of November 2016.