



An
Bord
Pleanála

Inspector's Report PL29N.247378

Development	Construction of 6 no. houses, also renovations and extensions to stone villa to provide 6 no. apartments and associated works
Location	297 North Circular Road, Phibsborough, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4313/15
Applicant(s)	Independent Trustee Company Ltd.,
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gary Fitzgerald David & Ciara Burke Gerard Weir
Observer(s)	None
Date of Site Inspection	11/01/2017
Inspector	Gillian Kane

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Planning Authority Reports	4
3.2. Third Party Observations.....	5
3.3. Decision	6
3.4. Planning Authority Reports following submission of FI	7
3.5. Planning Authority Decision.....	7
4.0 Planning History	7
5.0 Policy Context.....	7
5.1. Sustainable Urban Housing Design Standards	7
5.2. Architectural Heritage Protection – Guidelines for Planning Authorities	8
5.4. Dublin City Development Plan 2016-2022	10
6.0 The Appeal.....	12
6.1. Gary Fitzgerald	12
6.2. David & Ciara Burke, 297 North Circular Road	13
6.3. Gerard Weir, 26 Charleville Road.....	16
6.4. Applicant Response	16
6.5. Planning Authority Response	18
6.6. Response of Appellant to other Third Party Appeals.....	19
7.0 Assessment	19
7.1. Principle of the Proposed Development	20
7.2. Re-development and Extension of Stone Villa	20
7.3. Impact on Residential Amenity.....	21
7.4. Arboriculture	22
7.5. Appropriate Assessment	23
8.0 Recommendation.....	24
9.0 Reasons and Considerations.....	24
Conditions.....	24

1.0 **Site Location and Description**

- 1.1. The subject site is located on the northern side of the North Circular Road, in the north Dublin suburb of Phibsborough.
- 1.2. The irregularly shaped plot accommodates a substantial three storey detached dwelling with overgrown gardens to the front and rear. The dwelling is in considerable disrepair and access to the interior was not possible on the date of the site visit. The front boundary of the site comprises an approx. 1.5m high wall with a vehicular entrance at the eastern corner and a pedestrian entrance at the western corner. The rear garden of the dwelling is currently separated from the rest of the site by means of metal sheeting and a gate.
- 1.3. To the east of the site is a large car sales lot and showroom, further east of which are the Luas cross city works. To the west and north-west of the site are the rear gardens of the two storey semi-detached dwellings of Cherrymount Park.
- 1.4. Photographs and maps are attached in Appendix 1.

2.0 **Proposed Development**

- 2.1. Permission was sought for
 - works to a protected Structure (Stone Villa, no. 297 North Circular Road) comprising a three storey extension to the side (west) of the dwelling to comprise three apartments, renovation and refurbishment of the original dwelling to provide six 2 bed apartments.
 - Development to the rear (north) of Stone Villa comprising six 3-storey dwellings in a terrace of 4 and a pair of semi-detached dwellings.
 - Widening of existing vehicular entrance to 4.75m
- 2.2. Details provided in the application form are:
 - total site area 2700sq.m.
 - Floor area of buildings to be retained: 264sq.m.
 - floor area of proposed buildings: 1070.09sq.m.
 - total gross floor area: 1334.09sq.m.

- proposed plot ratio 0.495 and proposed site coverage 23.6%

2.3. The application was accompanied by the following:

- Planning Report
- Report on the Architectural / Historical significance of Stone Villa
- Traffic Statement
- Engineering Report

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

3.1.1. **Planning Report:** Proposed development is acceptable in principle under development plan zoning objective. Proposed density, plot ratio and site coverage are acceptable. The proposed dwellings are acceptable but further information is required regarding integration of finishes into the subject site. Proposed extension to and refurbishment of Stone Villa is acceptable, giving new life through contemporary interventions that are visually different yet harmonious. The close proximity of the proposed three storey extension to Stone Villa to House A1 is such that it will have a detrimental impact on future residential amenity. Applicant should be requested to omit house A1 and provide open space. Changes to the material finishes to the balconies on the front elevation of the extension should be requested. All 6 proposed apartments are dual aspect and are acceptable. Applicant should be requested to provide glazing on the western gable elevation of the extension to Stone Villa. The south facing balconies on houses no. 5 & 6 may give rise to impacts on the residential amenity of the dwellings in Cherrymount Park. Applicant requested to omit the balconies. Further detail required regarding proposed boundary wall treatment and boundary treatments throughout the site.

3.1.2. **Other Technical Reports**

- **Parks and Landscape Services Report:** Financial contribution required in lieu of open space provision. Site clearance work has caused damage to existing trees. 4 no. conditions recommended if permission is granted.

- **Conservation Architect:** Additional Information required: full inventory of any extant windows, their location and detailed drawings (scale 1:10 and 1:5) showing frame sizes, sash details, glazing bar profiles and materials and the extent of repair or replacement required and the methodology of repairs. Details of the proposed fenestration pattern for each window to be submitted at 1:5 or 1:10 as appropriate. The conservation of the stonework of Stone Villa shall be carried out by specialist contractors under the guidance of the conservation architect. In connection with this a schedule of works and on-site samples of any intended cleaning and / or re-pointing shall be submitted to the Planning Authority for approval.
- **Drainage Division:** No objection subject to standard conditions.
- **Roads and Traffic Planning:** No objection subject to 4 no. conditions.

3.2. Third Party Observations

3.2.1. Eleven objections to the proposed development were submitted to the Planning Authority. The issues raised can be summarised as follows:

- Proposed extension to Stone Villas would be visually prominent, would be out of character and would injure the residential amenities of the dwellings in Cherrymount Park,
- Balconies to proposed extension are inappropriate
- Conservation Plan is insufficiently detailed
- Tree Survey is required, landscaping should be proposed along site boundary.
- Proposed finishes are not appropriate and are out of character.
- Impact of proposed development in local bat population has not been assessed.
- Floor area of proposed apartments is not in accordance with requirements
- Insufficient public open space

3.3. **Decision**

3.3.1. On the 28th February 2016 the Planning Authority requested 11 items of further information as outlined in the planning and other technical reports.

The request can be summarised as follows:

1. Omission of house A1 with increase in private open space for neighbouring properties
2. New materials for balconies on proposed three storey extension
3. Obscure glazing on the western gable of the proposed three storey extension
4. Omission of south facing balconies on house no. s 5 and 6
5. Greater detail of proposed finishes to houses
6. Details of front boundary treatment
7. Details of site boundary treatment
8. Tree Survey and landscape proposal
9. Fenestration inventory
10. Sunlight and Daylight Impact Assessment
11. Liaison with NPWS regarding badger and bat habitats.

3.3.2. On the 12th August 2016 the Applicant responded to the request for additional information. The response can be summarised as follows:

1. House A1 omitted, resultant area incorporated into curtilage of Protected Structure,
2. Details of glazed balconies to three storey extension
3. Details of high level windows on western elevation of three storey extension
4. Details of finishes to proposed house type B, proposed balcony retained but new 1.8m high privacy screen added which will avoid overlooking,
5. Details of proposed finishes for dwellings
6. Details of front boundary treatment
7. Boundary Masterplan
8. Arboricultural Assessment
9. Fenestration Details
10. Shadow Analysis

11. Bat and Badger Survey of the subject site

3.4. **Planning Authority Reports following submission of FI**

3.4.1. **Architects Report:** Requested information has been provided

3.4.2. **Planning Report:** Omission of House A1 is welcomed. Result is that proposed apartment will no longer have an overbearing or overshadowing impact on Houses 2,3 and 4, extra open space will be provided and historic character of Stone Villa will be respected. Proposed revision to balconies is welcomed. Proposed high level windows on western elevation of proposed extension are acceptable. The retention of the proposed balconies on house no. s 5 &6 is not acceptable. They should be omitted by condition. Proposed house finishes are acceptable. Proposed front and eastern boundary treatments including removal of two trees are acceptable. Submitted Shadow Analysis is acceptable. Proposed development is unlikely to have an unacceptable impact on existing or neighbouring dwellings. Proposed development is unlikely to have a detrimental impact on local wildlife. Recommendation to grant subject to conditions.

3.5. **Planning Authority Decision**

On the 13th Sept 2016 Dublin City Council issued a notification of their decision to grant permission subject to 21 no. conditions. Condition no. 3 states that the second floor balconies to the front of houses 5 & 6 shall be omitted.

4.0 **Planning History**

4.1. No relevant planning history on the subject site.

5.0 **Policy Context**

5.1. **Sustainable Urban Housing Design Standards**

5.1.1. These 2007 guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards. In December 2015 new Guidelines were published, updating the

previous guidelines. Of relevance to the subject proposal they provide for the following development management standards:

- 5.1.2. Minimum Apartment Floor Areas 1 bed: 45sq.m. 2 bed: 73sq.m. 3 bed: 90sq.m. Studio: 40sq.m.
- 5.1.3. Private Amenity Space Minimum depth of 1.5m 1 bed: 5sq.m. 2 bed: 7sq.m. 3 bed: 9sq.m. Studio: 4sq.m.

5.2. **Architectural Heritage Protection – Guidelines for Planning Authorities**

5.2.1. This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principal of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.2.2. With regard to the curtilage, section 13.3.1 of the guidelines state that features within the curtilage and attendant grounds of a protected structure can make a significant contribution to the character of that structure. The designed landscape associated with a protected structure was often an intrinsic part of the original design concept and, as such, inseparable from the building. Where proposals are made for alterations to a designed landscape, ancillary buildings, structures or features within the curtilage or attendant grounds of a protected structure, a site inspection should be carried out by the planning authority in order properly to understand the potential effects of the proposed development. Section 13.3.2 states that when assessing the contribution of structures or features within the curtilage or attendant grounds to the character of a protected structure, and when considering any proposals to alter such features, the following should be considered:

- a) What items of interest are there within the present curtilage of the structure?
- b) Was this the original curtilage of the structure or are there likely to be other items of interest that are, or once were, associated with this

structure and which now lie beyond its curtilage but within its attendant grounds?

- c) Are there any other items of interest which, while not original, are later additions of merit?
- d) Do any items within the curtilage or attendant grounds affect the character of the main structure and help to define its special interest?
- e) Do any items within the curtilage or attendant grounds affect the character of other structures? For example, boundary walls, railings, gates and gardens can contribute to the character of other protected structures or to the character of an ACA;
- f) How are the boundaries of the site enclosed or demarcated? Are there walls, railings, fences, ditches or ha-has, gates or gate piers?
- g) Are there other buildings within the curtilage or attendant grounds? Were these other structures connected with the previous use or enjoyment of the protected structure? For example, with a country house there may be such structures as outbuildings, coach-houses, stables, icehouses, dovecotes, follies, gate-lodges and others;
- h) Are there features of interest within the curtilage or attendant grounds connected with the use or enjoyment of the protected structure? For example, a mill may have associated features such as a mill-race, a mill-pond, a tail-race, sluice-gates, weirs, dams, and drying greens;
- i) Are there designed landscape features within the curtilage or attendant grounds connected with the protected structure or its ancillary buildings? These may include ornamental planting, earth works, avenues, gardens, ponds, woodlands or other plantations;
- j) Are there any items or structures within the curtilage which detract from the character of the protected structure? These might include, for example, later structures or planting which mar views of the structure or its relationship with other, more important, structures within the curtilage or attendant grounds. Does the opportunity exist to reverse any adverse impacts?

5.3. **Sustainable Residential Development in Urban Areas 2009**

5.3.1. The objective of the guidelines is to produce high quality and sustainable developments through key planning principles such as the provision of community facilities, efficient use of resources, amenity / quality of life issues and conservation of the built and natural environment. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.4. **Dublin City Development Plan 2016-2022**

5.4.1. While the application was assessed by DCC under the 2011-2016 development plan, the Dublin City Development Plan 2016-2022 was adopted on the 21st October 2016 and therefore is the operative plan for the subject site and for the proposed development before the Board.

5.4.2. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.

5.4.3. Stone Villa is listed in The Record of Protected Structures (1727)

5.4.4. Policies of note in the development plan include:

CHC1: It is the Policy of Dublin City Council to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC2: To ensure that the special interest of protected structures is protected Development will conserve and enhance Protected Structures and their curtilage and will:

(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works (f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

Policy SC13 To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (Development Standards) including the criteria and standards for good neighbourhoods; quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities

Policy QH8 aims to promote the development of under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

5.4.5. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45-60%

5.4.6. Appendix 24 of the development plan refers to Protected Structures and Conservation Areas. In relation to residential parking in the curtilage of protected structures, section 24.4 notes the importance of boundary walls, railings and trees.

6.0 The Appeal

6.1. Gary Fitzgerald

6.1.1. The grounds of the appeal can be summarised as follows:

- No objection to the two sets of houses, such development is supported.
- Proposed extension to Stone Villa is of such a scale and proportion that it would adversely affect the setting, character and appearance of the Villa. This would contravene objectives FC26, FC27 and FC 30 of the development plan and would have a negative impact on neighbouring houses.
- The massing, height, layout, orientation and siting of the proposed three storey apartment block in the substantial side garden of Stone Villa would appear visually and intrusive from the rear of no. 289 NCR and 5 Cherrymount Park. This would detract from the recreational amenity value of these properties and would cause significant overshadowing and loss of light. The daylight / sunlight assessment report is not sufficient.
- The proposed windows on the rear elevation of the apartment block would significantly overlook the dwellings on Cherrymount Park.

- Views of Stone Villa from Cherrymount Park will be obscured, resulting in injury to visual amenity.
- The infilling of the historic separation between Stone Villa and no. s 287/289 NCR will be removed, adversely affecting established street views and the character of the wider area.
- For the above reasons the proposed development would materially contravene the Z1 zoning objective.
- The Architectural report on Stone Villa illustrates the historic open context and setting of the dwelling. This has only changed from 1946 with the development of Cherrymount Park and no. s 287/289 NCR. The relationship between the dwellings remains intact and is an important visual characteristic that has contributed greatly to the setting and character of Stone Villa.
- The proposed three storey extension appears to double the footprint of Stone Villa, appears visually prominent and would significantly erode the character of the dwelling. It is submitted that this impact is understated in the Architectural report and that justification is sought by means of a setback and screening along the front boundary. The proposed extension would be clearly visible, would be visually dominant and incongruous and would significantly detract from the established character of the dwelling and the streetscape.
- The proposed contemporary design is out of character. Design should follow the Georgian proportions of the fenestration pattern of Stone Villa.

6.2. **David & Ciara Burke, 297 North Circular Road**

6.2.1. The grounds of the appeal can be summarised as follows:

- Welcome the conservation of Stone Villa but the proposed development is of an overbearing scale that would negatively affect their residential amenity.
- The proposed development would result in a loss of sunlight and daylight which is contrary to section 16.1.11 of the development plan. The appellants house is south facing (photographs submitted). The proposed

development would block all sky views leading to inadequate light levels and a diminution of residential amenity.

- The appellants garden faces north and depends on sunlight from the east and west. The proposed development would overshadow the appellants garden for much of the morning. Sunlight to the appellants east facing windows would be blocked.
- The 8m set back of Stone Villa from the west boundary and the pitched roof alleviates its tall imposing form. The proposed development, adjacent to the boundary wall would be highly visible and overbearing. This is contrary to section 5.3 of the Sustainable Residential Development Guidelines.
- The proposed development on an underutilised site in an existing low density suburb contravenes the Sustainable Residential Development Guidelines on infill development respecting the established character of an area. The proximity of the site to the Luas must be counter balanced by the protection of the existing character and residential amenities of the area. The Guidelines allow lower density development where average densities achieve the minimum standards. It is submitted that the proposed development does not comply with section 17.3 and policies QH6 and QH19 of the development plan. The proposed development is considerably out of character with the two storey low density character of the area.
- The proposed development contravenes policies FC26 and FC31 of the development plan.
- The proposed development at less than 1m from the boundary does not comply with section 17.9.8 of the development plan as it has adverse impact on the appellants dwelling.
- Appendix 25 of the development plan advises that extensions should not dominate or appear overbearing when viewed from adjoining properties. The proposed development would fail to satisfy this requirement.
- The applicant's contextual elevations show trees that do not exist, giving the impression of a screening element between the two properties. No

details of the proposed boundary between the subject site and the appellant's property were submitted.

- The shadow analysis fails to accurately represent the effects of the proposed development on the appellant's property. No diagrams of the existing situation were presented, making comparison difficult. The diminution of amenity from the proposed development could not be assessed by the Council. The south-east sunlight is particularly valued by the appellants as the house is north facing. The times of the shadow analysis appear to be incorrect and therefore the shadows are inaccurate.
- No evidence of archival research is submitted with the Conservation Method Statement. The statement does not date the building precisely, ascertain its architect or original or subsequent owners using textual resources. An examination of the significance of the building is not possible without such context. This dwelling is the only example of detached late Georgian houses on the NCR and so its significance should not be dismissed.
- The development of the subject site and its immediate neighbour which is in the ownership of the applicant would provide for more orderly development that would be more sympathetic to the area.
- Stone Villa pre-dates the nearby St Peters church by several decades. It may be the earliest surviving building on the road. It stands out as a distinctly different typology to the later red-brick Victorian buildings of more urban character. The setting of the dwelling within the site is a significant element of its special character. It has a tall narrow front façade which addresses the street, marking it out as suburban. The proposed development would drastically change the nature of the houses relationship with the site. Enforcement proceedings are an appropriate means of protecting the house. The development plan outlines standards for works to protected structures.
- The Board is requested to refuse permission.

6.3. **Gerard Weir, 26 Charleville Road**

6.3.1. The appeal refers to condition no. 1 and can be summarised as follows:

- Details of the trees to be retained should be sought.
- There are serious contradictions in the Arboricultural Assessment. The report recommends the retention of 13 of the 18 trees on site, with 5 no. trees to be removed. It is submitted that tree condition assessment table is ignored on page 8 of the report where it is recommended that only 3 no. category B trees are retained. Trees to be removed include category B trees and ones for which removal is not recommended in the tree condition assessment table.
- The retention of all trees, particularly those to the front of Stone Villa is crucial to achieve a strong visual presence to the North Circular Road.
- The Board is requested to condition the retention of 13 no. trees as recommended on pages 27-32 of the report.
- The Board is requested to refuse permission unless there is a fundamental redesign of the south and west facing facades of the proposed apartment block. The redesign must be sympathetic to the existing dwellings as required by policy QH19 of the development plan. The modern design of the proposed block does not comply with the policy as it does not reflect the character of Stone Villa or the adjoining dwellings. The applicants claim that the proposed development fully responds to its surroundings and does not detract from the streetscape is rejected.

6.4. **Applicant Response**

6.4.1. The applicant states that the decision of the Council demonstrates that the proposed development is the appropriate design response for the site. The response to the appeals can be summarised as follows:

6.4.2. Extension to Stone Villa

- Stone Villa has fallen into disrepair. A significant amount of work would be required to restore it. A more pragmatic approach is to restore, renovate and extend the building. The Planning Authority have no

objection to the proposed development as long as the proposed extension is subservient to the main building.

- The proposed three storey extension is set back from and is lower than Stone Villa to be subservient and not detract from the main building. The glass connection between the two buildings will soften the appearance of the extension and allow for a clear distinction between old and new. The extension also allows for the provision of bedroom accommodation for the Stone Villa apartments. The proposed development is a sympathetic reuse of the existing structure, retaining the façade while allowing for contemporary design additions.
- The appellant's interpretation of the proposed development is not to scale and are not accurate. The Planning Authority consider the proposed high level windows to avert any overlooking of neighbouring properties.
- The shadow analysis submitted as a response to their FI request, was considered by the Planning Authority. They concluded that the proposed development was unlikely to have an unacceptable impact on the access to daylight and sunlight of the occupants of existing and neighbouring dwellings. The Board is requested to consider the same. Buildings in close proximity is to be expected in a city. The proposed development will not overshadow or overlook and is an appropriate response to a structure that is in danger of further deterioration.
- The design of the proposed extension to Stone Villa has been carefully thought out to allow the house to remain as the prominent feature, as it presents to the NCR. This has been accepted by DCC, who recognised the reuse of the old building and harmonious integration of the new structure. The Board is requested to reach the same conclusion.
- The arboricultural assessment of the site found 5 no. Category U trees to be removed, no Category A trees, 2 no. Category B trees of moderate quality / value and 8 no. category C trees of low quality. Of the four trees inside the front boundary of the site, three are Category C and are to be removed (no. s 156,157 and 159) to allow for the widening of the entrance and due to poor condition (tree no. 159).

- Tree no. s 161, 163, 164 and 165 are apple trees that have been neglected. Their removal will allow for the development the proposed housing and car parking. Tree no. s 160, 162 and 167 are category U and will be removed for reasons of sound arboricultural practice.
- Tree no.s 166 and 171 are to be retained.
- Tree no.s 168, 169, 172 and 173 are to be removed to accommodate the proposed houses and car parking. Tree no.s 168 and 173 are category U and will be removed for reasons of sound arboricultural practice. Tree no. 172 is a category C low quality sycamore.
- The applicant is happy to comply with condition no. 4 of the Council's decision. The landscaping plan for the development proposes new planting throughout the site which will ameliorate the overall setting of the site.
- The proposed development is a sustainable design response that is cognisant of its receiving environs. The 2009 Sustainable Residential Development in Urban Areas guidelines place emphasis on the role of good design, moving away from prescriptive densities.
- The proposed development is not a material contravention of the development plan. It fully complies with the relevant standards, objectives and policies at national and local level.
- The proposed development is not reliant on any third party or adjoining lands. The business to the east of the site, in the ownership of the applicant is a long established and successful business. The Board is requested to dismiss any question of prematurity.
- The grounds of the appeals are refuted and the Board is requested to grant permission.

6.5. **Planning Authority Response**

- The City Council has no further comment to make and considers that the planners report on file adequately deals with the proposal.

6.6. **Response of Appellant to other Third Party Appeals**

6.6.1. The third party appellant Gerry Weir states that he supports both of the other third party appeals. The grounds of the response can be summarised as follows:

- Gary Fitzgerald Appeal: The proposed three storey extension would adversely affect the streetscape, filling in the gap between Stone Villa and no. 289 NCR. The development would be visually dominant and incongruous. The proposed development would fundamentally alter the protected structure. The images of the before and after views of the development show the severe and unacceptable impact. The negative impacts of the proposed development in terms of visual intrusion, overshadowing, loss of light and loss of views are such that the Board must refuse permission. The retention of trees at the front is essential to screen the development from the NCR. If permission is granted the Board must request the retention of 13 of the 18 no. trees. Further a significant reduction in massing and scale is required.
- Cunnane Stratton Reynolds Appeal: The appeal clearly shows that the proposed development is of an overbearing scale with negative impacts on sunlight, daylight and visual amenity. The proposed high level windows give the building a custodial appearance and the modern design does not reflect the character of Stone Villa or the surrounding area. A fundamental re-design is required. The submission that Stone Villa is of greater significance is supported, as is the possibility of developing the lands to the east.
- The proposed development is inappropriate and has not been properly assessed.

7.0 **Assessment**

On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Re-development and Extension of Stone Villa
- Impact on Residential Amenity

- Appropriate Assessment

7.1. Principle of the Proposed Development

- 7.1.1. The 2016-2022 Dublin City development plan recognises the role of re-using and adapting protected structures in the preservation of such structures. Policies CHC1 and CHC2 seek to preserve the built heritage of the city and ensure that the special interest of protected structures is protected.
- 7.1.2. Residential development is permitted in principle in Z1 zones. Subject to compliance with other planning considerations, the proposed development is acceptable in principle.

7.2. Re-development and Extension of Stone Villa

- 7.2.1. Section 2.3.9 of the development plan recognises that Dublin's built and natural heritage is the core determinant of the city's character and is a unique cultural asset. It is a key objective of the core strategy to protect and enhance the special characteristics of the city's built and natural heritage.
- 7.2.2. I note section 11.1.5.3 of the 2016-2022 development plan that recognises the importance of the curtilage of a protected structure, noting that it is often an essential part of the structures special interest. The plan notes that the curtilage may comprise a clearly defined garden or grounds and that the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained, the retention of landscaping and trees (in good condition) which contribute to the special interest of the structure shall also be required. Any development which has an adverse impact on the setting of a protected structure will be refused planning permission.
- 7.2.3. The re-use, renovation of Stone Villa is welcomed. I share the concern of the three appellants however, that the proposed extension to Stone Villa is problematic. The setting of the dwelling plays a significant part in its presentation as a tall narrow imposing structure with attendant grounds. The insertion of a new structure that, notwithstanding the applicant's claims, is

not demonstrably subservient, in such close proximity (less than 1m) from the western boundary disrupts the rhythm of the setting and its relationship with the streetscape. Stone Villa, whilst in a state of disrepair, is a good example of late Georgian architecture on a street where no other similar examples exist. The detached nature of Stone Villa is a significant feature, notable on maps from 1837 and unchanged to this day. The proposed three storey extension is unremarkable. Insufficient opportunity has been taken to add a truly contemporary extension to the structure that would allow each part to be separately and cumulatively significant. The proposed extension is not of sufficient merit to warrant a dramatic change to the detached nature of Stone Villa.

7.2.4. It is considered that the proposed three storey extension to the west of Stone Villa should be omitted. This can be achieved by way of condition, should the Board decide to grant permission.

7.2.5. I also agree with the appellants concern about the visual impact of an almost blank three storey elevation within 1m of their dwelling and the adverse impacts of same on their residential amenity. The omission of the three storey extension to Stone Villa will remove that impact. The omission of the three storey extension shall remove the Appellants concerns about overshadowing of the dwellings to the immediate west and north-west.

7.2.6. In order to allow the proposed apartments in the original structure meet current standards, the dwelling could be extended to the rear without undue impact on the setting and context of the original dwelling. Should the Board decide to grant permission, the developer should be requested to submit a revised plan for Stone Villa to the Planning Authority prior to the commencement of development.

7.3. **Impact on Residential Amenity**

7.3.1. The Planning Authority raised a concern that House A1 impacted on the residential amenity of the proposed extension of Stone Villa. In response to the Planning Authority's request for further information, the Applicant omitted dwelling House A1. If the Board concur with the reasoning above and condition the omission of the extension to Stone Villa, I see no reason why

House A1 should not be re-instated. The site is capable of accommodating the dwelling without undue impact on the residential amenity of Stone Villa or the dwellings to the west in Cherrymount Park. The proximity of the subject site to the Luas line requires a higher density of development than the prevailing pattern in the wider area. This can be achieved by way of condition should the Board decide to grant permission. I note that the Appellants did not object, and in some cases actively supported the proposed terrace of dwellings and the two dwellings at the north of the site.

7.3.2. With regards to the impacts of overlooking from the proposed second floor balconies of house no.s 5 and 6, I am satisfied that the provision of a 1.8m high privacy screen at the gable ends of each balcony is sufficient to prevent overlooking of the rear gardens of adjoining dwellings.

7.4. **Arboriculture**

7.4.1. In response to the Planning Authority's request for further information, the applicant submitted an Arboricultural Assessment of the subject site. The report notes the overgrown condition of the subject site and notes that any formal landscaping of the gardens has been lost.

7.4.2. The assessment records 18 no. trees on site. They are recorded as follows:

156	Lawson Cypress	Category C1 mature tree of fair / poor condition with 10+ years remaining
157	Pittosporum	Category C1, mature tree of fair / poor condition with 10+ years remaining.
158	Horse Chestnut	Category B1 mature tree of fair poor condition with 20+ years remaining.
159	Holly	Category C1 mature tree of fair / poor condition with 10+ years remaining
160	Apple	Category U mature trees of poor condition with less than 10 years remaining
161	Apple	Category C1 mature tree of fair / poor condition with 10+ years remaining
162	Apple	Category U mature trees of poor condition with less than 10 years remaining
163	Apple	Category C1 mature tree of poor condition with 10+ years remaining
164	Apple	Category C1 mature tree of fair / poor condition with 10+ years remaining
165	Apple	Category C1 mature tree of fair / poor condition with 10+ years remaining
166	Sycamore	Category B1 mature tree in fair / good condition with 20+

		years remaining
167	Sycamore	Category U young tree in poor condition with less than 10 years remaining
168	Elder	Category U mature tree in poor condition with less than 10 years remaining
169	Sycamore	Category B1 mature tree in fair / good condition with 20+ years remaining
170	Sycamore	Category B1 mature tree in fair / good condition with 20+ years remaining
171	Sycamore	Category B1 mature tree in fair / good condition with 20+ years remaining
172	Sycamore	Category C1 mature tree of fair / poor condition with 10+ years remaining
173	Elder	Category U mature tree with less than 10 years remaining.

7.4.3. The report notes that a fruit orchard (Apple trees, no.s 160, 161, 162 163, 164 and 165) in the centre of the site, to the rear of the dwelling has been neglected, with the result that ivy has affected the structural stability of the trees. A mature Sycamore (166) is noted as being the exception, being of Category B quality. Three mature Sycamore trees (no.s 169, 170 and 171) along the western boundary are recorded as having some prominence. The sycamore (172) on the eastern boundary is recorded as being structurally weak with decay cavity present. Of these mature sycamores, only tree no. 171 is to be retained. The report notes that this removal will have the greatest impact.

7.4.4. Of the 18 no. trees, the subject development proposes to retain only three – no.s 158 at the front and no.s 166 and 171 at the rear – all of which are Category B trees. The removal of Category B trees, particularly the mature Sycamore in the north-western corner is regrettable. A landscape plan was submitted to the Planning Authority (drawing nos. 01, 02 and 03 refer) which will ameliorate the loss of the existing trees somewhat.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant

effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016 – 2022 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote sustainable modes of transportation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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 proposed development shall be revised as follows:
 - a. The proposed three storey extension to Stone Villa shall be omitted. To facilitate additional accommodation for the 3 no. apartments within the protected structure, a revised plan shall be submitted to the Planning Authority prior to the commencement of development showing an extension to the rear of the existing structure.
 - b. House A1 shall be reinstated, as shown on drawing no P01 and P02 submitted to the Planning Authority on the 22nd Dec 2015.

A revised site plan showing the above revisions shall be submitted for the written approval of the Planning Authority prior to the commencement of any development on the site.

Reason: In the interest of protecting the setting and context of the protected structure Stone Villa

3. The developer shall comply with the following requirements in relation to the proposed restoration of the protected structure, which shall be carried out in accordance with the document: "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011):
 - (a) the replacement of any brickwork or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
 - (b) the existing roof slates, chimney stacks and pots shall be retained, any replacement roof slates shall match the existing,
 - (c) where possible the remaining rainwater goods and bargeboard shall be repaired and reused, the replacement rainwater goods and bargeboard shall match the original in terms of design and materials,
 - (d) replacement windows shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;Detailed elevation drawings to a scale of not less than 1:50, showings these amendments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure an appropriate standard of restoration works for this protected structure.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 amenities of property in the vicinity.

6. Prior to commencement of development, a detailed specification of planting to facilitate the implementation of the landscape planting shall be submitted to, and agreed in writing with, the planning authority. The agreed specification shall be fully implemented in the first available planting season following either the substantial completion of the development or the first occupation of the student accommodation, whichever is sooner. All plants shall be adequately protected until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. The trees identified for retention in the Arboricultural Assessment shall be protected during construction in accordance with the tree protection measures outlined in the submitted plans and particulars. All service pipes shall be so routed as to avoid the root spreads of the trees identified for retention.

Reason: In the interests of orderly development, and to prevent damage to those trees identified to be retained, having regard to the policies set out in the current Development Plan for the area.

10. All boundary treatments shall be in accordance with those indicated in submitted documentation.

Reason: In the interests of residential and visual amenity, and to ensure the provision by the developer of durable boundary treatment.

11. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works for taking in charge by the local authority.

Reason: In the interest of amenity and of traffic and pedestrian safety, and to facilitate the eventual taking in charge of the development, following its completion, by the local authority.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting, as approved by the planning authority, shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety

13. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

15. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Gillian Kane

Gillian Kane
Planning Inspector

13 January 2017