



An  
Bord  
Pleanála

## Inspector's Report PL29S.247414

### Development

Works to a Protected Structure to include demolition of single and two storey structures and construction of single storey extension, remedial works to windows/doors on West, North and East elevations.

### Location

42F, Palmerstown Road, Dublin 6

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3482/16

### Applicant(s)

Mike Maloney

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

First / Third Party

### Appellant(s)

1. David and Reita Powell
2. Richview Residents Association

### Observer(s)

1. Hugh Governey
2. Edward Keelan and Frances Colreavy
3. Joseph Byrne
4. Adrienne Coady
5. Michael O'Cairtain

**Date of Site Inspection**

24<sup>th</sup> of January 2017

**Inspector**

Angela Brereton

## 1.0 Site Location and Description

- 1.1. The subject property no.42F Palmerston Road is a Protected Structure, located on the eastern side of Palmerston Road, between its junction with Cowper Road and Temple Gardens. Palmerston Park green is to the south. This semi-detached period red brick dwelling has a double height bay window to the front, a two storey return and a single storey conservatory extension to the rear. It is two and three storey in that it contains a Lower Ground Floor. Ground floor, First Floor and upper Mezzanine Floor.
- 1.2. There is a sizable rear garden which is separated from adjoining garden areas by boundary walls. There is a vehicular entrance from Palmerston Road and on-site parking available in the front drive/garden area. There is on street parking marked out and this is a resident permit or pay and display area.
- 1.3. This is an established residential area of similar type substantial red brick period houses which are also protected structures. While the front elevations remain unchanged, there have been some rear extensions and conservatories added on. There are also some original rear returns. There are railings along the front boundary of the subject site and adjoining properties which add to the character of the area.

## 2.0 Proposed Development

- 2.1. This is to consist of a number of works to this Protected Structure described as follows:
  - On Front/West Elevation: Essential remedial works to be carried out to existing windows/doors;
  - On Side/North Elevation: Essential remedial works to be carried out to existing windows/doors;
  - On Rear/East Elevation: Demolition of existing single and two storey structures. Removal of 1no. existing sliding sash window. Construction of new single storey extension (Max height from ground level 4,600mm approx.). Alteration to existing steps. Essential remedial works to be carried out to existing windows/doors;

- Internal Works: Internal demolitions and material alterations/remodelling works;
- Site Works: Existing site entrance gates along west boundary to be fitted with automation control devices;
- General: Associated works.

- 2.1.1. The application form states that the total site area is 829.5sq.m, the floor area of buildings proposed to be retained within the site is 323.3sqm (i.e. 145.3sq.m on ground and also on first floors and 32.7sq.m on mezzanine). The total area of new build proposed is 61.8sq.m i.e. total floor area of new and retained is 385.1sq.m. They provide that 48.8sq.m of existing residential extensions are to be demolished.
- 2.1.2. A Conservation Report by Gilligan Architects has been submitted as part of the application. This includes a Photographic Record, O.S Maps and Drawings Schedule.
- 2.1.3. Drawings including a Site Layout Plan, Floor Plans and Elevations have been submitted showing the existing and proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council granted permission on the 29<sup>th</sup> of September 2016 for the proposed development subject to 8no. conditions. These are generally relatively standard relating to infrastructural and construction issues. The following are of note:

Condition no.2 provides that works to the P.S be carried out in accordance with best conservation practice and in accordance with the Architectural Heritage Protection Guidelines.

Condition no.3 refers to Archaeological monitoring.

### 3.2. Planning Authority Reports

#### 3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. They noted that the Conservation Section had not submitted a Report. They provided that no AA issues arise in this location. They considered the proposed development to be acceptable and would not affect the character or the scale of the protected structure or have adverse undue impacts on adjacent properties. They considered that it is consistent with the DCDP 2011-2017 and recommended that permission be granted.

### 3.3. **Other Technical Reports**

#### Engineering Division – Drainage

They have no objection subject to compliance with the appropriate standards.

#### Archaeologist Report

They have regard to the context of the site within an area of archaeological constraint and recommend archaeological monitoring.

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

A number of Submissions have been received, including from the subsequent Third Parties. Concerns include the following:

- The proposed extension is excessive and out of character with the area and the setting of the P.S.
- The proposal is contrary to planning policy relative to extensions to a P.S in the Z2 Residential Conservation Zone. They refer to the 2011-2017 Plan and quote a number of relevant policies.
- The scale, height, materials and form of the proposed extension should be refused permission as it contravenes the Z2 zoning and planning principles.
- The proposed extension is to the rear of 42F and is very visible from Cowper Road and Temple Gardens and the neighbouring houses on those roads which are protected structures.
- The proposed extension is excessive in scale and height relative to the pattern of development, including returns in the area.

- It will represent a loss of residential amenity to no. 42G Palmerston Road, which will include overshadowing. Photographs have been included showing the before/after impact on this property.
- Inappropriate scale of effectively two storey extension relative to the historic main house/return hierarchy.
- They note the historical character of the area and provide that it must be viewed in this context.
- They consider that in view of the extent and nature of the works proposed that these are inappropriate works and the Architectural Heritage Guidelines have not been complied with.
- They have concerns that there are some inaccuracies in the Conservation Report submitted and that some features of the internal layout of the P.S are under threat and will be lost.
- The proposal does not protect the residential amenity of adjoining properties.
- The proposal will set an undesirable precedent for the conservation area.
- They refer to other planning applications in which these conservation issues were to the fore and which were subsequently refused permission by ABP, and consider this proposal should be refused.
- The proposal would not be consistent with the established pattern of development in the area. Photographs are included.

#### **4.0 Planning History**

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

Reference is made to the cases referred to in Palmerston Road by the Third Party Appeal in the Precedent Section in this Assessment below.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan (2016-2022) – Interim Publication

5.2. This Plan was adopted by Dublin City Council at a Special Council meeting on 23rd September 2016. The Plan came into effect on 21st October 2016. It replaces the 2011-2017 City Development Plan.

Section 2.3.9 refers to the recognition and support for Conservation, Culture and Heritage as a core determinant of the city's character.

Section 4.5.9 refers to Urban Form and Architecture Policies SC26 and 26 refer.

Chapter refers to Culture and Heritage. Section 11.1.3 sets out the challenges to protect the character of designated ACAs and CAs and to protect the structures of special interest and review the RPS.

Policy CHC1: *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.*

Section 11.1.5.1 refers to the RPS. *The Planning and Development Act, 2000 (as amended) defines 'Protected Structures' as structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

Section 11.1.5.3 includes: *Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.*

Section 11.1.5.13 refers to Preservation of Zones of Archaeological Interest and Industrial Heritage. Policy CHC9 refers.

Chapter 14 sets out the Land-use Zoning Principles and Objectives. The subject site is located within the Z2 refers to Residential Neighbourhoods (Conservation Areas).

Section 14.8.2 sets out the Objective which is: *To protect and/or improve the amenities of residential conservation areas.*

It is provided that the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10.12 and Appendix 17 provide the guidelines for Extensions and Alterations to Dwellings.

Section 16.10.18 refers to Parking in the Curtilage of Protected Structures and in Conservation Areas.

Section 16.10.20 refers to Development on Archaeological Sites and in Zones of Architectural Interest.

### **5.3. Architectural Heritage Protection Guidelines for Planning Authorities**

These are of relevance and were issued by the DoEHLG in 2004/2011 –

Section 1.3.1 (f) provides: *Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. All works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission.*

Section 2.2.2 refers to a P.S and land within its curtilage. S.2.9.1(c) relates to whether the curtilage of a P.S has been determined.

Chapter 6 and Section 6.8 includes reference and guidance relative to extensions.

Section 6.8.4 provides: *In general, modern extensions to a protected structure do not have protected status themselves unless they contribute to the character of the structure.*

*Extensions to the rear of a protected structure can have an impact on views of the building and also have the potential to affect the character of an ACA.*

Chapter 7 provides the Conservation Principles.



Section 7.2.2 provides: *Additions and other interventions 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.*

Section 7.7 promotes Minimum Intervention i.e. *The principle of promoting minimum intervention in a protected structure is best summed up by the maxim 'do as much as necessary and as little as possible'. Dramatic interventions in a protected structure are rarely appropriate. The best work in conservation terms is often that which is low key, involves the least work and can be inexpensive.*

This section also includes: *In granting planning permission, a planning authority should be satisfied that works are necessary, whether these be repair works to the fabric of the building or adaptations to the structure to allow it to perform a new or enhanced function.*

Section 7.13.2 relates more specifically to an ACA and includes: *Similarly, proposals to demolish existing returns to replace them with larger extensions should be treated with caution.*

Chapter 13 deals specifically with the Curtilage and Its Attendant Grounds

Section 13.7.1 provides: *It is essential to understand the character of a site before development proposals can be considered.* Section 13.7.2 has regard to the issues to be considered including: (a) *Would the development affect the character of the protected structure?* (b) *Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds?*

Section 13.8.3 provides: *Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.*

## **6.0 The Appeal**

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

Two separate Third Party Appeal have been submitted. These are summarised separately as follows:

#### 6.1.1. David and Reita Powell

Dr. Diarmuid Ó Gráda, Planning Consultant, has submitted a Third Party appeal on behalf of David and Reita Powell, who reside in the adjoining house to the north 'Aberlour', no.42G Palmerston Road. Their grounds of appeal include the following:

- This proposal would be excessive and by reason of its scale and bulk would be much larger than the existing return/conservatory to be demolished.
- Such a long extension, constructed immediately to the south and so close to the dividing boundary, would have a very damaging impact on the residential amenity of 'Aberlour'. This is by reason of its position, orientation, as well as the demolition involved. It would seriously encroach on the rear aspect of Aberlour.
- It would cause excessive overshadowing and be overbearing for this property. The loss of sunlight and daylight would be strongly felt during the winter months. In view of the generous dimensions of these back gardens such excessive encroachment is unnecessary.
- It would be destructive of the heritage setting and features of the P.S. It would be contrary to planning policy relative to protected structures and the setting within the Z2 residential conservation area. Regard is had to planning policies.
- The current application does not have adequate regard to the overall quality of the area. They enclose a number of photographs and illustrations in this regard.
- They consider that there maybe some scope for a smaller scale extension designed more in context with the original dwelling.
- There is concern that the majority of the planning conditions in the DCC permission have little to do with the planning aspects of the case. They consider that many of the requirements included by the Council would have to be enforced under other codes, that could leave them ineffectual.
- They note concerns regarding the implementation of the Council's Condition no.2 relative to best conservation practice and compliance with the Architectural Heritage Guidelines.

- They consider that there are shortcomings including the assessment in the Planner's Report and also note the absence of any input by the Conservation Section. They ask that ABP request such a report as part of the documentation supporting the appeal assessment and consider that this is essential to a full analysis in the context of the Z2 zoning and the inclusion of these properties in the RPS.
- They have regard to and provide details relative to the Historical Setting and Architectural Merit of the area.
- While they accept that the front elevation is the principal façade, they consider that this proposal would interfere with important features of the curtilage.
- They have regard to Legal Definition, Planning Policy and the Architectural Heritage Guidelines and contend that substantial intervention of the kind now intended is rarely appropriate. They consider that this proposal would constitute inappropriate works and would be contrary to these guidelines.

#### 6.1.2. Richview Residents Association

Their concerns include the following:

- The Conservation Report submitted by the Architects is defective and they provide details of this.
- There was no Report from DCC Conservation Officer to assess the impact of the proposal.
- No real assessment was carried out by the Planning Officer in particular relative to compliance with planning policy.
- The form of the proposal would be at odds with and does not follow the form of the existing building.
- Due consideration has not been given by the Council to the Architectural Heritage Protection Guidelines and they provide a discussion of this.
- Palmerston Road/Temple Villas is a historic area and details are given of this. The area is of great architectural, historical, archaeological, cultural and artistic importance.

- They have regard to a number of applications recently refused permission in the area and provide details of these.
- They consider that the proposal for an extension by reason of its scale, form and inappropriate materials is at variance with the P.S, is contrary to the existing context and to the proper planning and development of the Z2 Conservation area and should be refused in this context.

## 6.2. Applicant Response

6.2.1. Marston Planning Consultancy response to the Third Party appeals on behalf of the Applicant includes the following:

- They consider that these appeals present an inaccurate representation of the impact of the proposal on the appellant's property and the overall residential amenity of the conservation area.
- They do not consider that its scale or form will impinge on the privacy or overall amenity of this residential conservation area or that it will set an undesirable precedent.
- They provide that it is fully in accordance with planning policy and objectives and the proper planning and sustainable development of the area. They consider that DCC was correct in reaching their decision to grant permission.
- They do not consider that the proposal will result in material overshadowing or be overbearing and refer to the Overshadowing Report submitted as part of their response.
- They provide a description of the context of the subject property and have regard to extensions to neighbouring properties. They provide that collectively nos.42A to 42H Palmerston Road have been altered at the rear.
- They provide details relative to the need for the new extension and note that it has been limited to the rear and will not be visible from the front elevation. Therefore, they consider that it will not unduly compromise the original quality and character of the structure.

- They submit that the proposal is not excessive and will not impact as a result on the scale and form of the setting of the protected structures in the area.
- They consider that the subject proposal will not impinge on the residential amenities of no.42G.
- It is clear that the premise of Council policy under the 2011 and 2017 Plan is to seek to strike a balance on the conservation of its architectural heritage but to also facilitate changes and extensions that ensure their continued use.
- They submit that the quality of the architecture and the nature of proposal is fully appropriate in this instance.
- They note that the conservation section of the Council is under resourced and provide it is often the case that where the conservation officer is satisfied with an application that no comment is made.
- They have regard to the Planner's Report and recommendation and provide that the applicant's agent is incorrect to question the decision and the conditions of the Council.
- The clear and correct conclusion was that the proposal would not adversely affect the residential conservation area zoning or setting of the P.S.
- It complies with the core element in that its scale and form would not detract from its setting and character and would contribute positively to its use as a habitable dwelling.
- They submit that the Council's decision is wholly consistent with their own Development Plan policy. Also with previous decisions made in the area both by the Council and the Board and the Architectural Heritage Guidelines.
- There is no evidence to find that the proposal contravenes the Guidelines and consider that this is misleading and ask the Board to conclude that the proposal compliments the original structure in terms of scale, materials and detailed design, whilst reflecting the values of the present time.
- The Conservation Report submitted with the application, undertaken by a Grade 3 Conservation Architect is fully detailed and includes a full photographic record of the building.

- They provide that the rear return has been modified and include photographs.
- They submit that the subject proposal entirely achieves the correct balance between conservation and new works.
- Details of the proposed internal modifications to the P.S are provided. They consider that these and the proposed extension comply with the Guidelines.
- They provide there is a strong precedent along this street for extensions of this architectural quality. They consider that the precedent cases referred to by the Third Party have highly different characteristics to the subject proposal, and they outline each case. They ask the Board to dismiss them as irrelevant to this appeal.
- They consider that the proposed development by its nature and extent would accord with the proper planning and development of the area.

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

- 6.3.1. Dublin City Council provide that the reasoning on which the PA's decision on this application was based is set out in the planning report that has already been forwarded to ABP. They provide that it is not proposed to respond in detail to the grounds of appeal as the PA considers that the comprehensive planning report deals fully with the issues raised and justifies its decision.

### 6.4. **Observations**

- 6.4.1. Observations have been received from the following local residents:

1. Hugh Governey
2. Edward Keelan and Frances Colreavy
3. Joseph Byrne
4. Adrienne Coady
5. Michael O'Cairtain

As some of their concerns raise similar type issues, these are grouped together and are summarised as follows:

- The development proposed is not in keeping with the character of the Z2 residential conservation area and would not comply with the zoning objective.
- It overlooks core fundamental guidance and would not comply with Section 7.2.5.3 of the DCDP 2011-2017 relevant to Conservation Areas or Section 17.9.8 relevant to Extensions.
- In view of its scale, height, mass and design it would seriously impact on the residential amenities of adjoining properties.
- The proposed extension would cause overshadowing and loss of light to adjoining properties, in particular no.42G Palmerston Road.
- The proposed design, materials and external finishes makes no effort to blend in with the surrounding protected structures in the area. It should be finished in redbrick.
- Concern that a Conservation Report was not submitted by the Council. They ask the Board to invite the submission of such a Report.
- They consider that this is essential to a full analysis in the context of the Z2 zoning and the inclusion of this property in the list of P.S.
- They invite the Board to find the Council's report is unreliable and that the decision must be set aside.
- There is no justification for DCC to grant permission for this proposal. The majority of the conditions have little to do with planning considerations.
- By reason of its position, orientation and external finishes, as well as the demolition involved it would be destructive of the heritage setting and period features of these protected structures.
- A different proposal may be feasible that could comply with the needs of the applicant and be in compliance with the zoning objective. Alternative options include a lowering of the overall height, and/or inserting roof lights as well as making better use of space on the southern aspect of the extension.
- This part of Palmerston Road, comprising houses nos. 42A - 42H all P.S which were built c. 1885 and must be viewed together.

- The proposal would interfere with important features in the P.S. It would be much larger than the existing return/conservatory to be demolished.
- The proposed extension is out of keeping with its setting and the pattern of development in the area and would set an undesirable precedent in the conservation area.
- It is requested that planning permission be refused and reasons for refusal are provided.

## 6.5. Further Responses

Note is had above of the issues raised in the Third Party Appeals. In addition, their response to the First Party includes the following:

### 6.5.1. David and Reita Powell

Dr. Diarmuid Ó Gráda, has submitted a response on their behalf which includes the following:

- There is a material deficit in information pertaining to conservation and this topic is at the heart of the assessment.
- They note that the Architectural Heritage Guidelines may allow for appropriate new extensions in order to keep the property in viable use, however this has to be balanced against other notable criteria such as the preservation of the character of the Protected Structure.
- Any outsized or excessive intrusion that is entirely different in texture and form will have a much wider impact here. They consider that their case is supported by the official guidelines.
- They consider overshadowing is an issue for no.42G and that the Board should carefully examine the bulk and volume of the proposed extension.
- They refer to good examples of extensions to these type of Victorian houses and provide that conservation principles must be respected in designing rear extensions for protected structures in urban areas. They refer to the Boards reasons for refusal in another case and consider these to be instructive.



- While a pastiche is to be avoided and a contemporary design is preferred, a legibility of the original and later design is to be sought. The intended extension would be completely at variance with the setting, character and form of the protected structure.

#### 6.5.2. Richview Residents Association

They refer to the First Party response and their concerns include the following:

- They consider that this proposal will have an adverse impact on the existing and adjoining properties, in particular no.42G. Also that it will cause overshadowing of this property.
- No attempt has been made to mitigate this impact by pitching the roof to the proposed extension similarly to the existing conservatory. This Facadism approach is contrary to the Conservation zoning of the area.
- The height, depth and materials used are out of keeping within this conservation area and the proposed plastered 2 storey high wall, so close to the boundary with no.42G is overbearing and unsightly.
- The extension at no. 42F should be single storey to avoid the overbearing effect shown in the 3D external view (copy attached). There is a need to protect this area from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

## 7.0 **Assessment**

### 7.1. **Principle of Development and Planning Policy**

- 7.1.1. The impact on adjoining properties and the character of the Z2 residential conservation area needs to be considered. It is of note that as shown on Land use Zoning Map H of the DCDP 2016-2022, the site while in the Z2 zoning is not within a Conservation Area or an Architectural Conservation Area. The Z2 zoning objective includes: *Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such*

*areas, both protected and non-protected. The 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.*

- 7.1.2. In this case the property is also a Protected Structure and is one of a group of such fine Victorian red brick period properties in the Palmerston Road area. It is of note that nos.42a to 42h are all included in the DCDP Record of Protected Structures. Policy CHC2 seeks: *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.* This includes criteria (a) to (f) regarding works to a P.S. to ensure its protection and enhancement.
- 7.1.3. The First Party submits that the proposed development represents a well-designed contemporary extension to this detached dwelling which seeks to improve the standard of family living accommodation while also respecting the character, appearance and residential amenity of the P.S and the residential/conservation area. The Third Parties consider that the scale of the proposed rear extension to this Protected Structure is excessive, and, will adversely impact on daylight/sunlight and the privacy of the adjoining property, and also on the character of the P.S and the residential conservation area.
- 7.1.4. Section 16.10.12 of the Dublin City Development Plan 2016-2022 refers to 'Extensions and Alterations' to dwellings. This includes that they should not adversely impact on the scale and character of the dwelling and should integrate with the existing building. Also that extensions should be subordinate in terms of scale to the main unit. Appendix 17 provides 'Guidelines for Residential Extensions' and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.
- 7.1.5. Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 16.10.12, and Appendix 17 the issue in this case is whether the proposed contemporary extension to this P.S would integrate well or have an adverse impact taking into account the locational context, the amenities of the adjoining dwellings and the character of the Z2

residential/conservation area. Regard is had to these issues further in the context of the Assessment below.

## 7.2. Design and Layout

- 7.2.1. The proposal involves the removal of a two storey return and single storey conservatory (48.8sq.m) and replacement with a new single storey extension at the rear (61.8sq.m) that will be of varying roof heights i.e. stepped down the site. Floor plans submitted show the existing and proposed development. The existing Lower Ground Floor Plan shows that the floor area as 53.55sq.m. The Lower Ground Floor Plan shows the proposed floor area is 93.1sq.m. This is to provide a pantry, utility, shower w/c, boiler room in the former kitchen area and the proposed rear extension is to provide a kitchen, dining and den area. It is shown to be c.10m in length along the northern boundary with no. 42G Palmerston Road and set back c.1.5m off this boundary. The elevations show that it is proposed that the rear extension be in varying heights. The main part of the proposed extension is to be 4.6m in height to the apex with a zinc clad roof. The den area is shown c.3m in height as is part of the proposed kitchen/dining area.
- 7.2.2. The existing Ground Floor Plan is shown as 112.68sq, and includes a wc to be demolished to allow for the rear extension. This reduces the proposed Ground Floor area to 107.85sq.m. There are slight changes to the internal layout in that the pantry area becomes a cloakroom. The First Floor area is to remain unchanged at 145.33sq.m. However, it is noted that the bathroom is to become bedroom 3. There is also an existing Mezzanine Floor Area of 32.66sq.m. Regard is had to the floor plans and the rear elevation and it is noted that as the existing return and conservatory is to be demolished, this will allow for a new window opening to be included in the rear.
- 7.2.3. This proposal differs from the existing extension to be demolished which projects 2.67m from the rear of the existing house, to the conservatory which projects a further 4.5m i.e. a projection of just over 7m in length. The conservatory is also set marginally further back i.e c.2m from the northern boundary. Therefore, the proposed extension, while single storey will appear larger in scale, bulk and height than that which it is replacing. While it will extend out c.10m, it will be set the line of the side elevation of the existing house. There is concern that the footprint of the proposed

extension is excessive and the cubic capacity is considerable owing to the height of the proposed structure and the roof design which includes a very shallow pitch. The difference between it and the existing side elevation is shown on the diagram included in Section 4 of the First Party response.

- 7.2.4. As shown on the plans some changes are also proposed to fenestration including windows and doors on the rear elevation. This includes the blocking up of one window and door the insertion of another in a different location and alterations to the existing stone steps and railings. While the existing rear projection is in red brick to match the existing house, the proposed extension is to be in rendered finish in selected colour, with a zinc clad roof. It is provided that it will be contemporary in form and materials and is designed and scaled so that it does not detract from the rear setting of the original house. Therefore, rather than emulating, it will provide some contrast to the existing house. It is noted that no changes are proposed to the front elevation which is the principal and most visible façade seen from the Palmerston Road.

### **7.3. Regard to Conservation issues**

- 7.3.1. It has been raised that there is a material deficit in the information submitted regarding Conservation. This includes there being no Report from the Council's Conservation Officer on file. In this respect, this is considered to be a matter for the Council in their assessment of this application and not within the remit of the Board, who are considering this application *de novo*. The Third Parties consider that the Conservation Report submitted with the application is misleading, does not contain sufficient detail and includes some inaccuracies. In response the First Party provides that this Report was undertaken by a Grade 3 Conservation Architect and is fully detailed and includes a full photographic record of the building. This Report provides a description of the existing building and notes the scope of the proposed development having regard to the internal works and the site works. It is of note that Section 5.0 is under the heading Impact and Justification but provides no details of such. Appendix 1 includes a Photographic Record of the existing dwelling. The Third Parties contend that due consideration has not been given to the conservation issue and that this Report is incomplete.

- 7.3.2. Reference is also had to the Architectural Heritage Protection Guidelines. Section 6.8.2 includes: *If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.*
- 7.3.3. The proposed extension at the rear is contemporary and in a contrasting style to the existing. Section 6.8.4 of these Guidelines also provides: *Well-considered extensions can be successfully integrated with a protected structure whether designed in a modern contrasting style or in a matching historicist style.* Therefore, the Guidelines do provide some scope for a modern extension provided it would not detract from the character of the structure. There is also an issue that in using contemporary materials and finishes so as not to disguise the new additions so as not to compete with the form of the protected structure. In this respect regard is had to Section 17.10 of Appendix 17 of the DCDP 2016-2022 which provides that while the general advice for extensions is to match the existing building and to fit in with the neighbourhood, contemporary solutions should not detract from, and if well designed can make a positive contribution to the character of the area.
- 7.3.4. In this case it must be noted that the proposed extension is replacing a rear return, that has had some modifications, in particular having regard to fenestration etc, and the inclusion of a more modern rear conservatory. While it is not considered that this return in its present form, or the conservatory particularly adds significantly to the character of the P.S, the return appears to be part of the original structure.
- 7.3.5. It will be seen in the context of neighbouring properties at the rear. It is noted that no. 42G to the north has a more modern two storey extension to the rear. While constructed in red brick this does not particularly match the brickwork of the original dwelling. However, it is a shallower extension and does not project much further than the rear of no.42F. To the south no.42E has a glazed element at the rear, with a long sloping glazed roof which appears as a larger conservatory area and extends further. This property also has a two/three storey rear return which appears more original and in context with the P.S.

7.3.6. The First Party submit that the proposal will not impact negatively on the curtilage of the P.S. Section 13.1 of the Guidelines refers to Determining the Curtilage i.e: *The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure.* It is of note that the rear garden of the subject property is part of this curtilage and as shown on the drawings is c.30m in length from the principal rear elevation and 22.4m from the rear of the conservatory extension. It is provided that the distance from the rear of the extension will be 18.9m. The width of the garden is 15.2m. While the proposed extension will have a greater impact than the current proposal, there will be sufficient private open space retained for the dwellinghouse. It is provided that the proposed development will not impact negatively on the curtilage of the P.S, in view of the length of the rear garden area. Also that there is a precedent for rear extensions that do not impinge on the architectural quality of the area but add positively to the continued residential use of these properties by creating a connection between the house and the garden space that was lacking within the Victorian design.

7.3.7. **Regard to Other Works**

7.3.8. While it is the proposed extension that is of primary concern to the Appellants, this proposal also includes some internal alterations to the P.S. Regard is had to the description of development and to the modifications shown on floor plans submitted. The First Party provides that the need for these alterations to provide for contemporary family living. The existing wc in the ground floor return is included in the demolition works. They have regard to concerns raised about the historical use of the first floor room within the return and provide that it would be near impossible to incorporate that into any modern design and also that it would result in a further extension into the garden. This is a small narrow room, probably a serving person's room over the kitchen in the past. It is accessed via a very narrow stairway. It is noted that the main stairway in the house will not be altered and it is considered that in general the proposed internal alterations will not impact materially on the interior of the structure. Alterations proposed to the steps at the rear are considered to be acceptable.

#### **7.4. Impact on the Character and Amenities of the Area**

- 7.4.1. There is concern about the scale and height of the proposed extension. That it will appear very high, similar to two storey in relation to the original house and to the historic main house/return hierarchy. It is noted that returns are typical of late nineteenth century Dublin terraces that are smaller in scale than the main house and that this proposal will not fit in with this pattern. It is provided this part of Palmerston Road dates from the 1880's and that houses at nos.42A to 42H were designed to the same scheme, adhering to parameters in terms of building lines (front and rear) and external finishes (red brick walls, sash windows with granite sills and slate roofs). It is of note that some of these properties have been altered extended to the rear. It is contended that the proposed design is too modern and will not blend in with and will detract from the character of the P.S and the residential conservation area. Also that the form of the extension does not follow the form of the existing building and that the materials and finishes proposed will be out of character with the adjoining and surrounding properties which are also protected structures in this residential conservation area.
- 7.4.2. There is concern that this extension will be much larger than the existing return/conservatory to be demolished. That it is excessive in terms of height, length and capacity. Issues have been raised regarding impact and overshadowing and loss of light particularly for no.42G Palmerston Road, the semi-detached property to the north of the proposed development. This considers that while the extension is trying to maximise light, this is coming at a cost of being overbearing and causing loss of light to adjoining properties. The First Party response includes a Shadow Analysis which they provide clearly indicates that the proposal will not impinge in any material way on the amenity currently enjoyed by the appellants at no.42G. It is of note that this indicates that there will be some additional impact at noon around the time of the Spring and Fall Equinoxes.
- 7.4.3. It has been raised that the proposed materials of zinc and plaster will not soften the impact of the considerable bulk of the extension when viewed from 42G. Also that the extension would be much larger than the existing return/conservatory to be demolished. There is concern that the proposed external finishes as well as the roof pitch/texture would make it very intrusive within the Victorian ensemble of red brick

houses with slate roofs. Also that the proposed finishes including the zinc roof and windows are completely at variance with the historic context. In response it is provided that the current proposal provides the balance between the use of a palette of materials that mediate between a contemporary design and the historic fabric fully in accordance with the Guidelines. Also, that the extension will be distinctly contemporary in form and material and is designed to be subordinate so that it does not detract from the rear setting of the original house.

## **7.5. Regard to Precedent**

- 7.5.1. There is concern that the proposal will set an undesirable precedent for extensions to P.S in this Z2 residential conservation area. This is also in the context of the character of the grouping of nos. 42A – 42H Palmerston Road. It is noted that there have been a number of single storey type extensions, including conservatories constructed at the rear of these properties. However, many of these are earlier 20<sup>th</sup> century additions and none would reflect the more contemporary design of the current proposal.
- 7.5.2. The following cases are noted relevant to extensions to these period properties, P.S are noted and discussed by the Third Party, relevant to the reasons for their refusals by the Board: PL29S.210202 (19 Palmerston Road), PL29S.219366 (19 Palmerston Park), PL29S.223766 (42c Palmerston Road). It is contended that the reasons for refusal in the latter are particularly relevant to the present case. However, it must be noted that this was for a significantly larger extension than that proposed on the subject site. They also refer to and support the reasons for refusal given in a more recent decision PL29S.242389 refers (83 Anglesea Road, Ballsbridge). Copies of these decisions are included in the Appendix to this Report. In response the First Party contends that these have different characteristics to the current proposal and are irrelevant to the consideration of the current appeal. It must be noted that while regard is had to these cases raised by the parties, they are not particularly similar to the current proposal and each case must be considered in the context of its setting on its merits.



## 7.6. Regard to Justification issues

- 7.6.1. The First Party response provides that the generous volume of the extension creates a ridge height of 4.65m for the first 5m of the extension for the width of the existing return. This is to create a light filled kitchen and dining area that includes generous that frame views of the garden and the new courtyard area proposed to the south. Lower single storey elements extend to the side, and to the rear to create a snug that both have a height of c.3m. They provide that the differing scale enables a visual breakdown of the extension to ensure that it does not compete with the rear setting of the house and minimises visual impact on the neighbouring properties.
- 7.6.2. They also note that the proposed new extension is set back from the boundary with no.42G by 1.5m and extends 5.5m beyond the appellants two storey extension. Also that it should be noted that the higher element at 4.65m only extends some 1.5m beyond the appellants own two storey extension. They contend that by retaining the higher element of the extension with the narrow width that reflects the width of the return and is lower than it, they consider that the extension has ensured that the secondary elevation to the rear of this P.S is protected and enhanced. It is of note that Section 4 of their response includes a section through the side elevation showing the outline of the existing and proposed extension.
- 7.6.3. They provide that the northern elevation of the extension and facing the appellants at no.42G will be rendered and painted in a colour to match the horizontal element above the ground floor of the appellants' own extension. They have regard to connection of the new extension to the courtyard. Also that the proposal is to provide a continued use for the protected structure which is compatible with the requirements of modern living.
- 7.6.4. Section 7.3 of the Guidelines refers to the preference for the continued use of the protected structure and provides: *While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected.* Having viewed the subject property, it is considered that it is currently habitable and in relatively good condition and this application concerns adapting the property relative to the preference and needs of the applicants.

7.6.5. Having regard to the issues raised it is considered that a balance has to be struck between the need for modernisation relative to the need to preserve and not detract from the Protected Structure. In this respect it is provided that the new extension seeks to achieve this balance and to secure a continued use of the structure without detracting from the P.S. They provide illustrations showing the existing and proposed views from no.42G. This shows that the visual impact of the proposed extension will be greater than that existing. It is also of note that while the extension cannot be viewed from the primary elevation, i.e. from Palmerston Road, it can be seen in the distance from the side gate of no.42H i.e. from Cowper Road, which is also a P.S within the residential conservation area.

## 7.7. Conclusions regarding Design issues

- 7.7.1. It is contended that the overall design is contrasting and contemporary and subordinate to the main dwelling and does not impact on the principle façade facing Palmerston Road. However, it will appear overly larger and more visible at the rear than the existing and could be improved by reducing the scale and lowering the overall height of the intended structure and inserting roof lights in the southern elevation. Likewise, it is considered that the overall length can be reduced by making better use of space on the southern aspect of the extension. Also that by reducing the length and the height of the Kitchen area, this proposal could avoid being so excessive.
- 7.7.2. As shown on the rear elevation the proposal will involve the removal of the return and the blocking up of a window, that appears to be original and the insertion of a new window. Details shown on the floor plans provide that it is proposed to: *reuse salvaged brick from the demolished return, save cill, soldier course for reuse on new window for bedroom 6*. In view of the height of the proposed extension, this proposed window is shown as smaller than the proportions of the original window above. It would be preferable having regard to the visual appearance of the rear elevation if both windows could be of similar depth. This could only be achieved if the ridge height of the proposed extension were reduced to 4metres, which I would consider preferable. Roof lights could be inserted. I would also consider that to reduce the impact, the length of the extension should be reduced to 9m.

7.7.3. The proposed extension to the rear of the property will not be visible from the streetscape in Palmerston Road, although there may be a slight view of the overhang of the proposed zinc roof. It would be preferable to set the proposed extension further off the boundary, so that it is set a minimum of 2m off the northern boundary, i.e in line with the set back of the existing conservatory. Therefore, if the Board decides to permit I would recommend that these alterations be conditioned.

## 7.8. **Archaeology**

7.8.1. As shown on land use zoning Map H the site is located within an area of archaeological potential. The Council's Archaeologist notes that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU022-081 (Battlefield Site), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994 and in the Zone of Archaeological Interest in the DCDP. They recommend a condition regarding archaeological monitoring. It is recommended that such be included if the Board decide to permit.

## 7.9. **Appropriate Assessment**

7.9.1. It is considered that having regard to the nature and scale of the development which is for domestic/residential purposes in a fully serviced suburban location, and to the nature of the receiving environment, that no appropriate assessment issues arise.

## 8.0 **Recommendation**

8.1. Having regard to the submissions made, the documentation submitted and having viewed the application onsite, I would recommend that permission be granted subject to conditions for the reasons and considerations below.

## 9.0 **Reasons and Considerations**

9.1.1. Having regard to the design and single-storey nature of the proposed extension to the rear of an existing house, the zoning objective and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out

below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and 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 and by the further plans and particulars received by An Bord Pleanála on the 16th day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) The height of the proposed extension shall be reduced to a maximum of 4m. Roof lights shall be inserted.
  - (b) It shall be reduced to a maximum of 9m in length.
  - (c) It shall be set back a minimum of 2m off the boundary with no. 42G Palmerston Road.
  - (d) The proportions, design and materials used in the new window proposed in the rear elevation of the Protected Structure shall match that of the original window above.

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

**Reason:** In the interests of visual and residential amenity.

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

**Reason:** In the interest of visual amenity.

4. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 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 structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

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

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

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

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

7. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

8. 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.

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Angela Brereton,  
Planning Inspector

30th January 2017