



An
Bord
Pleanála

Inspector's Report PL 29S 248447.

Development

Reinstatement of two storey over garden level mid terraced dwelling: alterations including removal of building fabric to facilitate rear extension, demolition of two storey rear return, construction of three storey extension to rear with external stairs from first floor to garden, ancillary accommodation at garden level, new vehicular access to replace railing at front, landscaping, two car spaces and ancillary site development works.

Location

56 Palmerston Road, Dublin 6W
Protected Structure.

Planning Authority

Dublin City Council.

P. A. Reg. Ref.

3384/16.

Applicant

Edmond Veale

Decision

Grant Permission.

Appellant

Niallo Carroll and Suzanne Egan.

Type of Appeal

Third Party

Date of Site Inspection

18th August 2017.

Inspector

Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site of the proposed development is on the north side of Palmerston Road and is that of a Victorian two storey over garden level, three bay terraced house with a two storey return at the rear and front and rear gardens. There is a granite staircase with railings to each side leading to the entrance above the garden level and cast iron railings on a granite plinth and a pedestrian gate along the site frontage. The front façade is finished in red brick with the garden level, which has a separate entrance beneath the granite staircase being finished in render. Timber, two over two sash windows and various other external and internal features are intact. An access lane, parallel to and east of Palmerston Road is located along the rear boundary wall in which there is a pedestrian entrance.
- 1.2. The adjoining dwelling, (Appellant party's property) at No 57 Palmerston Road to the north side is an end of terrace house on a corner site that has frontage on Palmerston Road and along the southern side of Windsor Road which is perpendicular to Palmerston Road. Dark coloured timber fencing, to a height of circa two metres above the road level is erected along the inner side of the boundary wall along the Windsor Road frontage of this property. There is a side entrance located in this boundary and another entrance off the access lane at the rear boundary.
- 1.3. According to the application submission it is the applicant's intention to reside in a self-contained dwelling in part of the house and his son and daughter in law would occupy the remainder of the house. (The lodged plans for the existing house and extension laid out a single dwelling unit and a separate self-contained dwelling unit is shown at garden level.)
- 1.4. It is stated in the application that the property has been unoccupied since 2000 and has been damaged by fire. At the time of inspection, the house was unoccupied, the gardens were overgrown and the rear pedestrian door was lying on the ground.

2.0 Proposed Development

2.1. The application lodged with the planning authority on 19th July, 2016 indicates proposals for:

- Adaptation, restoration, repairs and refurbishments described as “reinstatement” in the notices.
- Demolition of the return, alterations which include removal of original fabric.
- Construction of three storey extension at the rear providing for ancillary accommodation along with an external stair between the garden and first floor. The total stated floor area of the proposed extension is 85.65 square metres.
- Removal of existing front railing to the front and construction of a vehicular entrance, provision of two car spaces in the front curtilage and associated landscaping and site development works.

2.2. Following receipt of a request for additional information major modifications were made in the revised proposals in further information submission received by the planning authority on 1st November 2016. The proposed modifications include:

- Omission of the original proposal to demolish the return and gable end chimney stack which are retained and integrated into the development. A ground floor window opening is enlarged and a new opening provided in the rear return at first floor level
- The three storey extension in the original proposal is replaced by a two storey flat roofed extension with, a courtyard and a passenger lift is substituted for the external staircase.
- Revisions to the front entrance arrangements are made so that the proposed entrance provides for one space for one car only in the front curtilage instead of the two car spaces in the original application.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 6th April, 2017 the planning authority decided to grant permission subject to ten conditions which include two conditions with the following requirements.

- Condition No 3 contains a requirement for implementation of the project under the direction of a suitably qualified architect with specialist historic building expertise in accordance with good practice as provided for in statutory guidance and use of a lime mortar with an appropriate joint for repointing works.
- Condition No 4 requires a compliance submission in respect of materials, finishes and colours for the proposed extension.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer who provided a comprehensive assessment on the original application and further information proposals indicated satisfaction with the modifications proposed. These proposals provide for retention of historic fabric inclusive of the return to the rear, and reduced size and height of proposed extension the footprint of which provides for separation from the existing return and use of appropriate materials for works to the existing house.
- 3.2.2. The observations in the Roads and Traffic Department's report are noted and it is confirmed that proposals for a widened rear access, due to narrow width of the lane are acceptable. (See section 3.2.2 below)

Other Technical Reports

- 3.2.3. The report of the Roads and Traffic Department of 7th September, 2016 indicates acceptance of the proposed development subject to omission of the proposed entrance on the Palmerston Road site frontage because the loss of on street, dual use parking the retention of which is a policy of the development plan, (S 113 and para 17.40.11 refer.) In addition, proposals for a rear access of the rear lane is

noted in the report. There is no objection to this rear entrance but it is pointed out that an increase to the 2.6 metre width proposed for the entrance may be required due to the three metre width of the lane. The supplementary report of Roads and Traffic Department of 21st March 2017 indicates a recommendation for omission in entirety of the proposed vehicular entrance off the site frontage and no objection to the proposed rear entrance.

3.2.4. The report of the Drainage Section indicates no objection subject to conditions.

Third Party Observations

3.3. A third party submission was received from the owners of the property at No 57 Palmerston Road, the adjoining, end of terrace property to the north side of the appeal site. The objections relate to size, mass, depth and height of the proposed extension, the nature and extent of interventions to historic fabric, impact on character and integrity of the existing building and historic streetscape and obstruction of light.

4.0 Planning History

There is no record of any planning history for the appeal site.

5.0 Policy Context

Development Plan

5.1. The operative development plan is the Dublin City Development Plan, 2016-2022.

- The existing house and adjoining houses along Palmerston Road are included on the record of protected structures and are within an area subject to the zoning objective Z2: "Residential Conservation Area". There are policy objectives for protection and enhancement of the special interest of protected structures, and conservation areas. Policy CHC2 and CHC4 refer.)
- Development Management Standards for extensions and alterations are set out in Chapter 16.

6.0 The Appeal

6.1. An appeal was received from Niallo Carroll and Suzanne Egan of 57 Palmerston Road, on their own behalf on 3rd May, 2017. Some images and photographs have been included. According to the appeal:

- The proposed development fails to comply with the development plan requirement that interventions to protected structures should be restricted to the minimum necessary. All works should relate sensitively to the architectural detail, scale, proportions and design of the original structure. The additions are not the minimum necessary to provide ancillary family accommodation. The existing house is already a large residence.
- The uniformity and character of the terrace would be adversely affected, by the overbearing presence, scale, size and design. The site is visible from Windsor Road.
- The proposed development fails to comply with the development plan requirement that detail, fabric and features should be preserved, repaired reinstated or revealed. The extension would obscure detail, fabric and features and obscure the return of No 56 which is contiguous and symmetrical to the return of No 57. It is mismatched, breaks the symmetry and is overwhelming.
- The proposed development fails to comply with the development plan requirements regarding alterations and extensions for respect to the uniformity of street patterns rhythms and groupings of buildings, architectural features and regarding scale and design whereby the extension should be subordinate to existing buildings. (Section 16.2.2.3 refers.) The proposed development disrupts uniformity and patterns of building form, rooflines and windows, involves loss of two sash windows in the return and, it dominates as opposed to being subordinate to the existing building in views from Windsor Terrace.
- The design does not respect the amenities and light at adjoining properties or, follow the building form closely in providing for integration and use of similar finishes and windows as required under the development plan. (section

16.10.12 refers.) No 56 is to the south of No 57. The extension is an overpowering blank elevation adjacent to the garden of No 57. A requirement similar to the setback required under the additional information request to align with the rear wall of No. 55 is even more warranted in relation to No 57 due to the proximity and bulk.

- The north facing wall located along the boundary will make maintenance works impossible without access via the appellant's property. It will damage trees at No 57.
- The extension is devoid of architectural merit or sympathy with the surroundings, heritage and amenities of adjoining properties. In addition to being out of scale and character the aspect, and materials including aluminium windows are incompatible. The revised proposals did not address the depth of the extension and they increase the depth to eight plus metres from 6.5 metres with significant negative impact
- The site notice was obscured and not clearly visible or legible.

6.2. Response to the Appeal by the Applicant

6.2.1. A submission was received from Pierce Associates on behalf of the applicant on 6th June, 2017. It includes a detailed account of the planning context, proposed development and the planning authority's assessment of the application. In response to the appeal it is stated that:

- The amended proposal is consistent with development plan policy for minimum interventions and sensitivity to architectural detail, scale, proportion and design of the original structure. The two storey is retained and the extension is moved away from the rear façade which is left intact.
- The architectural conservation report included with the application fully describes the property and the methodology for reinstatement and adaptation of the building. The reinstatement and extension proposal is accordance with good conservation practice.
- It is accepted practice that new building design in a simple modernised style, avoiding pastiche is an appropriate design approach for development adjacent to protected structures.

- The existing uniformity of the street the rhythms and groupings of buildings is protected with the retention of the two storey return and the separation between the façade and new extension. A photomontage of the view from Windsor Road is provided.
- The extension does not detract from the existing building's quality and is totally subordinate to and separated from it. The extension is ground level set below garden level, is discreet and recessive in character.
- The appellant's claims as to adverse impact on amenities of the adjoining property are unsubstantiated. The extensive redesign in the further information proposal is similar in depth to existing extensions along Palmerston Road including No 52. The redesign ensures that no unreasonable adverse impact on amenities of adjoining properties are caused. The solar study indicates that overshadowing of the adjoining property's rear garden is reduced to the existing levels after 3 pm. Minimal additional shadow over the lower end of the rear garden which is already overshadowed by the rear garden wall of the appellant's property would occur. The rear return does not have any windows which would be overshadowed.
- The proposed extension will not damage any trees.
- References in the appeal to the relationship with No 55 Palmerston Road the adjoining property to the south side are irrelevant.
- Site notices were appropriately displayed at application and further information stages on both the front and rear boundaries.
- The applicant has a reasonable expectation of entitlement to extend the property in an appropriate and suitable manner without interference with amenities of adjoining properties. The revised proposal is a balanced proposal accepted by the planning authority as protecting residential amenities and adjoining properties and the fabric and amenities of the protected structure.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues central to the determination of the decision on the proposed development can be considered below under the three broad sub-categories:

- Impact on the historic fabric and integrity of the existing building;
- Impact on the visual amenities and character of adjoining protected structures and the residential conservation area.
- Impact on residential amenities of property in the area.

7.2. Impact on the historic fabric and integrity of the existing building;

7.2.1. The modifications to the original proposal provided in the further information submission to the planning authority in March 2017 are significant. The modified proposal is sufficiently consistent with good historic building conservation in providing for retention of the existing return with minimisation of break outs for linkage to the new build. The existing building and the proposed internal works are outlined in brief within the architectural statement submitted with the application. The availability of a comprehensive building record and method statement prepared by an architect with specialist expertise in historic building conservation is desirable to facilitate a comprehensive assessment. A condition to this effect inclusive of a requirement for a compliance submission can be attached should permission be granted. At a minimum, a condition with a requirement for the project to be implemented under the direction of a specialist with expertise in historic building conservation should be included should permission be granted.

7.2.2. The integrity of the building and its context is retained and respected in the modified further information proposal. The flat roofed box format of the proposed extension and the footprint of which is distinct and separated from the return renders the site capable of accepting a parapet height above the eaves level of the return and the significant depth into the rear garden. The simplicity in form, external finishes and colours also contrast with but complement the presentation of the original structure. This is consistent with good conservation practice.

- 7.3. Impact on the visual amenities and character of adjoining protected structures and the residential conservation area.
- 7.3.1. With regard to the presentation to Palmerston Road, the repairs to the front façade that are proposed are welcome, subject to application of appropriate materials and skills which are consistent with good building conservation practice. The requirement for omission of the proposed vehicular entrance and parking space to the front facilities the protection and retention of the integrity of the property and the presentation of the terraced houses on Palmerston Road. This is achieved through avoidance of intervention to the historic cast iron railings on granite plinths that defines the front curtilage and gardens to the front and side of the granite staircases at the front of the terraced houses.
- 7.3.2. The rear elevations, including the returns of the houses at the northern end of the terrace where Nos 56 and 57 are located are clearly visible both from the access lane at the rear and, on approach from east to west and in views from the north on Windsor Road. The pairing of dwellings in the terrace is a strong feature, especially with the regard to the shared rear returns. The modified proposals for the extension respects this feature of the terrace while simultaneously providing for the living accommodation requirements of the applicant, notwithstanding the significant size internal accommodation that is provided.
- 7.3.3. While it is agreed with the appellant that the existing dwelling is considerable in size and can be considered sufficient for a dwelling unit, significant additional accommodation can be accepted provided that the site has capacity and the design is appropriate and compatible. The design, height, scale, footprint and proportions, relative the existing dwelling, especially the return provide for development which is fully compatible with the feature and characteristics of the terrace and acceptable in views from Windsor Road. (In the course of the inspection it was noted that timber fencing erected along the perimeter of the end of terrace, property at No 57 Palmerston Road obstructs the views from Windsor Road. These views of the rear elevation of the terraced houses an important feature and of significant amenity potential and value within to the residential conservation area.)

7.3.4. Although not a specific appeal issue, the requirement for omission of the vehicular entrance off Palmerston Road on the site frontage has also been considered and is supported. The omission by condition of the planning authority decision provides for retention of and protection of original cast iron railing on granite plinths and front gardens and the integrity of the site curtilage and visual amenities. The omission also ensures consistency with the development plan policy objective for retention of the on street parking resources available for use by all road users. The property has the benefit of scope for vehicular access to parking at the rear for which the planning authority has indicated that a further planning application would be required by a condition.

7.3.5. Given the restricted width of the rear access lane, the Roads and Transportation report has specified that a wider entrance than the 2.6 metre width proposed is essential. Although the planning authority sought to have this matter addressed by way of a new planning application, it is considered that the matter can be addressed by compliance with a condition. The Roads and Transportation department would have the opportunity for review of any revised proposals in a compliance submission subject to referral from the planning officer. The applicant has the benefit of available residential permit parking on street the supply of which should be sufficient to meet the needs of the residents. A requirement for new application as sought by the planning authority would appear to be unwarranted.

7.4. Impact on residential amenities of property in the area.

7.4.1. With regard to visual impact, the modest height and setbacks from the boundary with the northern boundary is such that the extension has a relatively low profile. It is therefore not accepted that undue adverse visual impact is attributable to a blank wall along the common boundary with the appellant's property.

7.4.2. It is agreed, and acknowledged by the applicant that some partial overshadowing of the appellant property's rear garden that is additional to that caused by the boundary wall would occur for a period after midday and then recede by mid-afternoon, as is demonstrated in the solar study provided by the applicant. It is agreed with the applicant and the planning officer that the additional shadow impact is limited and not sufficient to support a view as to significant diminution of the residential amenities of the adjoining property to the north.

8.0 Appropriate Assessment.

Having regard to the location of the proposed development involving refurbishment, restoration and extensions to an existing property on zoned lands in an established inner suburban, serviced area it is considered that no appropriate assessment issues arise. 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.

9.0 Conclusion and Recommendation

- 9.1. In conclusion it is considered that the modified proposal shown in in the further information submission which provides for reinstatement of a considerable sized dwelling, and significant additional living accommodation in an extension that is contemporary and compatible in design, at the rear is acceptable. The proposed development does not have adverse impact on residential amenities of adjoining properties or the visual amenities, fabric and characteristics of the existing and surrounding protected structures and the residential conservation area, subject to compliance with conditions of a standard nature which include the omission of the front vehicular entrance and front curtilage parking.
- 9.2. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that permission be granted. Draft reasons and considerations and conditions are set out below.

10.0 Reasons and Considerations

Having regard to:

- The inclusion of the existing building and adjoining buildings in the terrace fronting on to Palmerston Road on the record of protected structures;
- The Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z2: *“to protect and /or improve the amenities of conservation areas”*;

- The proposed reinstatement of the existing building and nature and extent of the proposed intervention to the existing historic fabric and the footprint, design, form, height and scale, of the proposed extension.

It is considered that subject to compliance with the conditions set out below, the proposed development would be not be seriously injurious to the historic fabric, integrity, character of the existing building, the visual amenities and setting of the existing building and adjoining buildings within the terrace on Palmerston Road which are included on the record of protected structures, would not be seriously injurious to the architectural character, visual amenities and residential amenities of the residential conservation area and would not be seriously injurious to the residential amenities of adjoining properties and by overshadowing, would be acceptable in terms of traffic and public safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

11.0 CONDITIONS

- 1 The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and particulars lodged with the planning authority on 10th March, 2017 except as may otherwise be required 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.

Reason: In the interest of clarity.

2. The front vehicular entrance off the Palmerston road frontage and internal parking provision within the front curtilage shall be omitted and the front

boundary shall remain unaltered.

Reason. In the interest of the protection and preservation of the cast iron railings, plinth and front curtilage, the visual amenities of the area and the retention of the supply of on street parking facilities for the benefit of all road users.

3. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

Reason: To ensure appropriate building conservation practice the interest of the protection of the integrity of the 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.

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

Reason: In the interest of visual amenity.

6. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

Jane Dennehy
Senior Planning Inspector.
22nd August, 2017.