



An
Bord
Pleanála

Inspector's Report 29N.248568

Development	New structure / sunroom extension to existing attic conversion to serve as additional floor space to 3 rd floor apartment, new access stairs
Location	12 North Great George's Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2425/17
Applicants	David Murray
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v Condition
Appellant	David Murray
Date of Site Inspection	14 th September 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at 12 North Great George's Street, Dublin 1.
- 1.2. The site is part of a mid terrace four storey over basement Georgian house with a single storey return, garden and yard to the rear and a separate mews building accessed via Rutland Place.
- 1.3. The house is subdivided into 6 apartments, which subdivision took place in the late 1980s.
- 1.4. The third floor and roof area which are the subject of the proposed development were substantially repaired after water ingress and an attic conversion / sunroom and roof garden were created during repairs.

2.0 Proposed Development

- 2.1. The proposed development is new structure / sunroom extension of 36m² to existing attic conversion to serve as additional floor space to 3rd floor apartment below, new access stairs, repair and repointing of existing chimney stacks, some minor internal alterations and all necessary conservation and ancillary works.
- 2.2. The application details state:

Major works took place at roof level when the present owner purchased the house in 1990. Years of water ingress meant that a significant amount of the original roof structure to the rear was badly decayed, this was removed and replaced with a flat roof above the 3rd floor ceiling level. The single pitch to the front was retained and extended by way of a flat roof coming off at ridge height to create an attic space. The small hipped return roof to the rear was also removed and rebuilt to provide space to the water tanks for the apartment below.

The considerations taken into account in the design include the salvage or reuse of existing historic fabric where possible. The changes to the character and loss of historic fabric have been kept to a minimum.

The first party was one of the joint purchasers of the house in 1989. Since then he has overseen or been involved with the sensitive restoration of the house back to its former glory by the establishment of 6 separate apartments.

The existing roof situation was created on acquiring the property by the need to rectify damage caused to the original structure by excessive ongoing water penetration over many years. This roof covering is now almost 25 years old and requires replacement. That being the case the first party wishes to redevelop the roof area to incorporate a sunroom and space for art.

The extension will be constructed from high quality aluminium curtain wall glazing, zinc detailing and hardwood decking. In line with the Venice Charter all work would be fully reversible.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

2 The development shall be revised as follows:

- a) The roof height of the proposed development shall not exceed the existing attic roof height (i.e. c.2.3m externally).
- b) The rear wall of proposed development shall be set back from the existing rear parapet wall inner-face by 2.5m in order to be concealed between the established building line of the rear chimney walls.
- c) The side-facing windows of the landing area and studio/sun room shall be omitted.

Reason: In the interests of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Z8 zoning Conservation Areas & 16.2.2.3 Alterations and extensions.

- The rear of the proposed sunroom is situated c1.1m from the rear parapet wall and roof line.
- In addition three side facing windows would prejudice development of neighbouring properties.
- These issues would be at odds with the current Development Plan's Z8 zoning Conservation Areas & 16.2.2.3 Alterations and extensions and with Policy CHC4
- There is an established building line that exists between the large rear chimney stacks of the terrace. Hence there is likely to be an opportunity to step the rear of the sunroom back from the parapet wall by c2.5m. any side elevation facing windows should be omitted from the sunroom and landing area. The roof ridge should follow the existing roof ridge height so as not to create a precedent for additional attic conversions / rooftop developments.
- It is also noted that a c1.2m high plate glass balustrade is proposed to replace a similarly scaled fence.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division, conditions.

3.3. Prescribed Bodies

3.4. TII no observation to make.

3.5. Third Party Observations

3.6. A Third Party observation on the file from Tom & Adelaide McKeown, 10 North Great George's St, includes:

- Excessive scale particularly the proximity to the parapet, 1.082 m distant. It would be clearly visible from rear gardens.
- Will result in virtually all of the roof area being covered by modern habitable construction. They received planning permission in 2005 for a sunroom at the same level and for this reason they are not opposed to the principle. Their

construction only covers approx. 30% of the surface area and is set back from the parapet within the existing chimneys.

- The development should conform to theirs.

4.0 Planning History

None stated for this site.

Adjacent:

1178/05 – 10 North Great George's Street – construction of a 30 sq m curved glass sunroom onto an existing flat roofed area of the building ancillary to the existing one-bedroom apartment at third floor level below connected by an existing access way. The flat roof and access thereto have existed during the applicant's 30 year ownership of the building and it is therefore put forward that the proposal will not create a precedent for removal of original roof structure to similar properties.

2172/08 – roof extension to No. 43 North Great George's Street – on the opposite side of the street - construction of a single storey copper clad & Glazed rooftop sunroom with rooflights, concealed behind the existing roofs, and alterations to the third floor apartment.

5.0 Policy Context

5.1. Development Plan

Zoned Z8: To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.

The aim is to protect the special character of the existing designated Architectural Conservation Areas and Conservation Areas and to protect the structures of special interest which are included on the Record of Protected Structures and to continue to review the Record of Protected Structures within the context of future Architectural Conservation Area designations and having regard to the recommendations of the National Inventory of Architectural Heritage.

Georgian Conservation Areas are zoned Z8. Lands zoned Z8 incorporate the main conservation areas in the city, primarily the Georgian Squares and streets. The aim is to protect the architectural character/design and overall setting of such areas. A range of uses is permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and at night-time.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include: Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

16.2.2.3 Alterations and Extensions should not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building. Alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will: respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline; and not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.

5.2. National Inventory of Architectural Heritage

The house is listed (50010997) as of regional importance for Architectural and Artistic Interest.

5.3. **Natural Heritage Designations**

5.4. The South Dublin Bay and River Tolka SPA site code 004024 is the nearest Natura Sites, c2km away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The first party appeal against has been submitted by Kearney & Kiernan Architects.

The grounds includes:

Condition 2 is so limiting and restrictive as to make the undertaking of the development unviable/not worthwhile.

They disagree with the planning authority's decision and they request the Board to grant permission for the development as originally proposed.

They request the Board to consider amended proposals, which offer appropriate possible revisions to further reduce any perceived bulk, scale and or mass of the proposed extension.

The roof covering is now 25 years old and requires replacement.

They believe the extension is in line with the guidelines 6.8.1 'new work new work should involve the smallest possible loss of historic fabric', and 'extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time'.

They were in discussions with Dublin City Council in 2010 and 2011 when the project was put on hold; and a list of stages of contact is provided.

2 a) roof height

The original attic conversion undertaken in the early 1990's resulted in a small space within the existing attic with a very restrictive and non-compliant internal floor to ceiling height of 2.1m.

One of the main reasons for the application was to increase the restrictive height so as to make this space more usable. The scheme had a finished height of 3035mm above the level of the existing flat roof which matches the sunroom already constructed on the roof of No 10.

They consciously stepped down the height to 2400mm above the existing flat roof on the south and east elevations, taking account of the comments of the Conservation Officer at their last meeting, to minimise any perceived impact from ground level.

Referring to the Development Plan advice that alterations at roofline should respect the uniformity of terraces or groups of buildings with a consistent roofline and not adversely affect the character of terraces with an attractive varied roofline and not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness. They state that there is already an attractive varied roofline in this area, which the proposed development would add to and to the respectful visual interest and acceptable vibrancy of the existing roofline.

They consider it complies with CHC4: that the development concurs with 'enhancement opportunities may include: contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area'.

They point out that the potential for development at roof level is limited to very few houses on North Great George's Street, the only houses to have lost their original roof forms are No 9 to No 12. No 9 was redeveloped with a flat roof mansard in the late 60's. the sunroom to No. 10 was constructed in 2006. The only other precedent-creating possibility would be No. 11.

Re. 2 b) which requires setting back the rear development from the rear parapet by 2.5m, they attach a sketch to show the impact on the floor plan, stating that the usefulness of the development would be reduced significantly. It is stated that the setback is so that the development can be concealed by the established building line of the rear chimney walls. It is pointed out that such a setback would be 2.840m

The sunroom at No 10 is of similar height, built within the last 10 years within 2m of the parapet, for over 35% of its width; getting as close as 1750mm at its western edge, which they contend establishes the true building line.

They note re. setting back the building to behind the chimney line, that the situations are very different. The chimney to the west of No 10 is significantly longer than those at No 12 stretching almost to the edge of the parapet wall.

They agree that the top of the extension as proposed will be visible to a very slight degree from some of the adjoining rear gardens (the roof extension at No 10 is far more visible) however the materials chosen, glass façade with soft grey patinated zinc roof, will mean that the elevation will blend in seamlessly and satisfactorily with the Dublin sky.

Re. 2c), the reason stated for omitting the side window is so that the development would not prejudice the development of neighbouring properties. The roof of No 13 has been restored recently to its original profile to a very high standard. The proposal for the glazed area off the landing was simply to provide access to a small sitting area sheltered from the wind as well as to allow for morning light to enter the extension. This area is concealed within the space formed by the existing chimneys and does not generate any potential for overlooking.

They make reference a permission in May 2008 across the street for a similar proposal (2172/08).

The same issues are in play in relation to the proposed side window to the east, where again the adjoining roof (No 13) has been recently restored and is unlikely to be developed and where the proposed window provides views over spires and domes of the city and mountains in the background.

Regarding the window to the west, a letter from the neighbours at No 11 is attached to the grounds, stating that they were consulted prior to the application being lodged and requested a corner window be added.

They submit proposed alterations to the design.

Should the Board have concerns in relation to the proposed development, they set out a number of possible amendments to the design which they hope might satisfy the Board, and they request that each be considered individually or together.

- a) Proposed roof height of raised section of extension be reduced by 100mm to bring it down to 2900, externally, 100mm below that of the existing sunroom extension at No 10.
- b) The distance of the rear glazed wall from the inside of the parapet wall to be 1750, to align with the outer face of the glazing to the extension at No 10.
- c) Corner window onto No 11 to be omitted.
- d) Windows onto deck off landing to be fitted with opaque glazing or fully omitted

6.2. Planning Authority Response

- The planning authority has responded to the grounds of appeal, stating that the planner's report adequately sets out the position.

7.0 Assessment

7.1. This is an appeal against a condition and in accordance with S 139 of the Planning and Development Act 2000 as amended it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted, accordingly the issue which arises in relation to this appeal is condition 2 and the following assessment is dealt with under that heading.

7.1.1. Condition 2

7.1.2. Visual Amenity

7.1.3. Visual amenity is part of the reason for condition no. 2 which requires the modifications the subject of this appeal. There are three parts to the condition the first two relate to visual amenity:

2a - The roof height of the proposed development shall not exceed the existing attic roof height (i.e. c.2.3m externally).

- 7.1.4. The proposed extension will increase the height of the sunroom such as to extend above the pitched roof at the front of the building but this will not be visible from street level.
- 7.1.5. The proposed extension will be visible from rear garden areas where the railings of the roof terrace currently contributes to the array of roof treatments on view.
- 7.1.6. A revision has been proposed in the grounds of appeal that the proposed roof height of the raised section of the extension be reduced by 100mm to bring it down to 2900, externally, 100mm below that of the existing sunroom extension at No 10. In my opinion the revision is acceptable. It will provide for an adequate ceiling height and will assist in reducing the visual impact of the proposed development.

2 b -The rear wall of proposed development shall be set back from the existing rear parapet wall inner-face by 2.5m in order to be concealed between the established building line of the rear chimney walls.

- 7.1.7. As pointed out in the grounds of appeal having the rear wall 2.5m from the inner-face of the parapet wall will not conceal the building between the established building line of the rear chimney walls. Unlike No 10 where the stack of chimneys extends much closer towards the parapet, the chimneys adjoining the subject development are less extensive and would not provide a similar line to guide as a building stop line or to conceal an extension. I accept the argument made on behalf of the first party, that a more reasonable guide is the building erected on the roof of No 10 which is only 2 houses away. The revised proposal, that the distance of the rear glazed wall from the inside of the parapet wall be 1750, to align with the outer face of the glazing to the extension at No 10, seems to me to be reasonable.

- 7.1.8. Residential Amenity

- 7.1.9. The third part of the condition relates to what could be described as residential amenity:

2 c -The side-facing windows of the landing area and studio/sun room shall be omitted.

- 7.1.10. The planner's report refers to the three side facing windows prejudicing development of neighbouring properties. The windows involved are windows at the end of the sunroom where the fully glazed southern elevation joins a narrow floor to ceiling window facing west and a wider floor to ceiling window facing east. A large east facing window is also proposed for the full width of a landing area onto a deck, with access from both the sunroom and store rooms.
- 7.1.11. The first party has responded to the issue of windows prejudicing development of neighbouring properties, stating that it is unlikely that there will be any such development as in both cases the roofs of adjoining properties have been recently restored.
- 7.2. A letter from the neighbouring property to the west is attached to the grounds. It states agreement to the window.
- 7.3. Compromise proposals have been submitted with the grounds, which include the omission of the corner window facing west i.e. towards No 11; but they reiterate their wish to retain as part of their proposed development the window facing east at the front of the sunroom. They state this provides views over spires and domes of the city and mountains in the background.
- 7.4. A revised internal layout is proposed which omits the smaller deck to the east and the associated window with only a door proposed to provide access to existing flues.
- 7.5. I note that the proposed window facing west is on or very close to the boundary and therefore could be said to prejudice development of the adjoining property. I note that the proposed window facing east is not on the boundary but is separated from the wall which defines the boundary by a small deck.
- 7.6. In my opinion the compromise arrangements are acceptable including the retention of the smaller eastern facing window.

8.0 Recommendation

- 8.1. In the light of the above assessment, I recommend that the planning authority be directed to amend condition no 2 as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the revised proposals submitted to the Board safeguard the visual and residential amenities of the area in a manner similar to condition number 2 of the planning authority's decision.

10.0 Condition

10.1. The planning authority shall amend condition 2 to read as follows:

- 2 The development shall be carried out and completed in accordance with the further plans and particulars received by An Bord Pleanála on the 25 day of May, 2017 and titled 'suggested amendments to original proposal May '17.

Reason: In the interest of visual and residential amenity.

Planning Inspector

22nd September 2017

Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022
- 3 Extracts from the National Inventory of Architectural Heritage
- 4 Architectural Heritage Protection – Guidelines for Planning Authorities