



An
Bord
Pleanála

Inspector's Report PL06D.248605

Development	Alterations to house, extension to the rear & associated site works to a Protected Structure.
Location	3 Upper Prince Edwards Terrace, Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown.
Planning Authority Reg. Ref.	D17A/0214.
Applicant	Gráinne Moran
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Gráinne Moran
Observers	None
Date of Site Inspection	23 rd of August 2017
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0559 ha is located at Prince Edward Terrace Upper. Prince Edward Terrace Upper is situated on the eastern side of Carysfort Avenue. Blackrock Main Street lies circa 670m to the north.
- 1.2. The appeal property (246.4 sq.m), No 3 is a Protected Structure. The Victorian mid terrace residence was built in the 1840's. The two-storey over basement property features a two-storey rear return. The integrity of the property has remained relatively intact with many of the original period details evident including high ceilings with decorative cornices, fan lights and fireplaces.
- 1.3. The front of the property is bounded by a low granite wall and iron railings. It is served by a gated vehicular entrance which opens into a gravel driveway which provides off-street car parking for two to three cars. The rear garden extends to a depth of approximately 45 metres and is enclosed by a tall granite wall.

2.0 Proposed Development

- 2.1. Permission is sought for alterations to previously approved planning permission Reg. Ref. 13A/0147 to a house which is a Protected Structure. Features of the scheme include;
 - Internal alterations to lower ground floor,
 - Floor in lower ground floor dining space to be lowered,
 - Increase in extension to lower ground floor by 8sq m,
 - Bedroom and bathroom to upper ground floor return,
 - 3 no. rooflights,
 - Application includes – Structural Engineers Conservation Report and Architectural Heritage Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason;

1. It is considered that the proposed works to the ground (lower) floor plan namely the proposed amendments 4,5 and 6 and the proposed works to the original return in particular the additional demolition works (as depicted on the Demolition and Construction Drawing No. 16-73-SK02/P3) to allow for the additional floor area to the rear would unduly detract from the architectural design, integrity and composition of the dwelling and would, therefore, be contrary to best conservation practice. The proposed development is, therefore, contrary to Policy AR1: Record of Protected Structures and to Section 8.2.11.2 (i) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and to the Department of Arts, Heritage and the Gaeltacht 'Architectural Protection Guidelines' and, as such, would set an unfavourable precedent for similar developments to Protected Structures. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports** – Refusal recommended on the basis that the proposed development would be contrary to best conservation practice and Policy AR1 of the development plan.

- 3.2.2. **Other Technical Reports**

Drainage Planning, Water – no objections subject to conditions.

Transportation Planning – no objections subject to conditions.

Conservation Officer – Refusal recommended.

3.3. External Report

- 3.3.1. Irish Water – no objections subject to conditions.

3.4. Third Party Observations

- 3.4.1. The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

Reg. Ref. D16A/0333 – Permission was refused for internal alterations to the lower ground floor and upper ground floor rear return, construction of rear single and two storey extension, including 2 no. rooflights and associated site works at a protected structure. Permission was refused for one reason;

- 1. Having regard to the extent and size of the proposed extensions and alterations, it is considered that the proposed development would materially affect the protected structure, and would contravene Policy AR1 and Section 8.2.11.2 (i) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. In addition the works are not considered to adhere to the principles of best conservation practice as set out in the DoAHG 'Architectural Heritage Protection Guidelines for Planning Authorities', and would help set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*

Reg. Ref. D13A/0147 – Permission was granted for the sub-division of existing dwelling into two units with a 2 bedroom dwelling unit at lower ground floor level and a 3 bedroom dwelling unit to upper floors with extensions to rear of main house and existing return and additional floor to existing return including all associated internal and external alterations at a protected structure.

5.0 Policy Context

5.1. Development Plan

The subject site at 3 Prince Edwards Terrace Upper, Blackrock, Co. Dublin is located on Map 2 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Policy AR1 -

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

- Section 8.2.11.2 refers to Architectural Heritage – Protected Structures

(i) Works to a Protected Structure

In assessing works (inclusive of extensions/alterations/ change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that:

- Alterations and interventions to Protected Structures shall be executed to the highest conservation standards, and shall not detract from their significance or value.

- Original features of architectural and historic interest will be retained. Interventions proposed should be minimised in order to retain the legibility of the existing floor plan.
 - All works should be carried out to the highest possible standard, under supervision of a qualified professional with specialised conservation expertise. On-site operatives/contractors should have experience dealing with historic buildings.
 - Good conservation practice recommends that extensions should be ‘of their time’ (i.e. clearly distinguishable from the original) and to a high standard of design using material that both respect and are complimentary to the existing building.
- RPS No. 552 – No. 3 Prince Edwards Terrace Upper – description – House terrace.

5.2. **Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

- Chapter 6 refers to Development Control
- Section 6.8.1 refers to extensions

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal was submitted by Downey Planning on behalf of the applicant Gráinne Moran. The main issues raised concern the following;

- The proposed development seeks to amend the permitted development granted under Reg. Ref. D13A/0147 that provides for alterations to the house and an extension to the rear.
- It is emphasised that the proposed development seeks to respect the character and setting of the Protected Structure and that it would not cause a negative impact to the appearance of the property.

- The description of no. 3 Upper Prince Edwards Terrace in the Record of Protected Structures is that of a “house and terrace”. This is the same description as the other properties within the terrace.
- It is considered that this description on the RPS would indicate that the strongest and most valuable characteristic of the property is the front elevation which forms part of the terrace.
- The proposed development does not seek to alter or amend the existing front elevation and therefore would not impact on the character and setting of the terrace of dwellings.
- The proposed rear extension is considered modest in size and will maintain the character and setting of the Protected Structure. It will maintain the existing rear building line.
- It is noted that there is a considerable lack of uniformity among the rear returns of the properties within the terrace. Therefore, the applicant’s Planning Consultants disagree with the opinion of the Area Planner where they state, “there is a discernible uniformity in terms of proportions and footprints.”
- The applicant proposes some revisions to the scheme to protect the integrity of the internal form and character. The original scheme includes proposals for internal alterations and amendments to the layout which would involve the removal of partition walls to create larger rooms.
- The project Architect was conscious of the potential impact of the removal of partition walls to the character, original form and legibility of the dwelling. To address this, it was proposed to retain the nibs and downstand beams of many of the walls.
- It is also noted that some of the proposed amendments are reversible i.e. amendment 5 or would involve the removal of non-original elements i.e. amendment 7.
- On foot of the refusal issued by the Planning Authority further amendments are proposed to the scheme which would reduce the extent of modifications to

the existing layout and retain more of the existing fabric and character of the building.

- The amended proposals submitted to the Board include the reduction in the proposed opening to the central spine wall at the stairwell on the lower ground floor level. This is detailed as amendment no. 4 on Drawing No. A-B0104. It is considered that this will serve to retain the original plan form of the dwelling.
- Amendment no. 5 which involves the insertion of a new utility room, wc and cloakroom are all reversible works and therefore will not negatively impact the character of the dwelling.
- It is highlighted that the proposed scheme seeks to amend the permitted development (Reg. Ref. D13A/0147) which would have resulted in the subdivision of the property into two separate dwellings. The subject proposal would retain the original form of the building as a single dwelling which is considered a fundamental element of the form and character of the building.
- It is noted that the implementation of the permitted development (Reg. Ref. D13A/0147) would also have resulted in a greater degree of demolition of the rear return than the current proposal.
- A number of examples of similar internal alterations and amendments to Protected Structures have been cited.
- The first example refers to development at 5 Prince Edward Terrace Upper. Under Reg. Ref. D10A/0387 the Planning Authority granted permission for partial demolition of a modern rear extension and external stairs to the rear with the construction of a new extension to the two-storey rear return and internal and external alterations including the removal of internal walls at lower and upper ground floor levels. It is noted that in their assessment of the proposal the Planning Authority considered that the removal of partition walls and the enlargement of openings would result in a neutral impact.
- Under Reg. Ref. D09A/0931 permission was granted for a rear extension the reinstatement of the previously converted lower ground floor level from apartment to form part of the main dwelling at 6 Prince Edward Terrace Upper. The permitted works also included internal alterations including the

demolition of a partition and the creation of a new internal opening at lower ground floor level.

- An appeal case referring to Verville Retreat, Vernon Avenue, Clontarf is also cited. It is stated that permitted scheme involved significant alterations including partial demolition and internal modifications to the Protected Structure.
- Appeal case PL29S.245164 which refers to a permitted scheme for 209 dwelling units and 1 office unit at the former St. Clare's Convent, Harold's Cross Road (Protected Structure) was also provided as example of a permitted development which involved significant alterations including partial demolition and internal modifications to the Protected Structure.
- The final appeal cited was PL29S.246087 where the Board overturned the decision of the Planning Authority and granted permission for the demolition of a single storey extension to the side and rear and the development of a new single storey extension and internal alterations at 54 Highfield Road, Rathgar (Protected Structure).
- The outlined planning history indicates that there are numerous examples which involve extensions to and internal modifications to Protected Structures.
- Having regard to the permitted development nearby at no. 5 and no. 6 Prince Edward Terrace Upper this highlights the inconsistency in the approach taken by the Planning Authority in their decision to refuse this application.
- It is concluded that the proposed development and particularly with the revised amendments submitted as part of the appeal will provide a high quality living environment which also respects the architectural quality and character of the building.
- The applicant requests that the Board overturn the decision of the Planning Authority to refuse permission having regard to the reason set out in the appeal.

6.2. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that the grounds of appeal do not raise any new matters to justify a change of attitude in relation to the proposed development.

7.0 Assessment

- 7.1.1. This application is for alterations to previously approved planning permission Reg. Ref. 13A/0147 to a house (protected structure) which involves internal alterations together with the provision of extensions to the rear.
- 7.1.2. The building is a protected structure RPS No. 552 and described as (House and Terrace). The property is a two-storey over basement mid terrace house. The Structural Engineers Conservation Report prepared by Trevor Wood Consulting Engineers sets out a survey of the condition of the building and details of the proposed structural works. An Architectural Heritage Impact Assessment was prepared by Arigho Larmour Wheeler Architects which sets of the historical context and description of the building and the works which have been previously carried out and which are proposed.
- 7.1.3. In relation to the proposed development a total of eleven amendments are proposed to the scheme which was permitted under Reg. Ref. 13A/0147. Amendment no. 1 refers to the making of the whole building a single family dwelling. The Protected Structure will therefore be occupied as a single dwelling as per the original use and built form.
- 7.1.4. Amendment no. 2 refers to the area at lower ground floor which is currently a bathroom it is proposed to lower the ground floor by 450mm and provide the area as a dining room. The proposal represents a relatively minor change and I note that the Planning Authority had no objection to the proposal.
- 7.1.5. Under amendment no. 3 it is proposed to provide a kitchen in the rear extension at lower ground floor in place of the permitted dining room. The extension is approximately 8sq m greater than that permitted under Reg. Ref. 13A/0147. I note that it would extend out by 1m beyond the building line permitted for the previous extension. The Planning Authority had concerns regarding the proposed extension

particularly the increase in area. The extension, with the proposed increase in depth by 1m from the design which was previously permitted would not breach the existing rear building line. Furthermore, I noted on inspection of the site that neighbouring properties to the north and south feature a mix of rear extensions with variation in their depths and designs. Accordingly, I consider this amendment would not impact upon the character of the Protected Structure and would not unduly impact on the adjoining properties which are Protected Structures.

- 7.1.6. In relation to other proposed works to the lower ground floor the Planning Authority considered that amendments 4,5 and 6 would unduly detract from the architectural design, integrity and composition of the dwelling and therefore it would be contrary to best conservation practice.
- 7.1.7. Under amendment 4 it is proposed to demolish a section of the central spine wall at the stairwell. In response to refusal issued by the Planning Authority, the applicant has submitted revised plans with the appeal. They proposed to reduce the section of internal wall to be removed. Furthermore, they proposed to retain the downstand beams to indicate the original wall line in order to express the plan form of the original house. As originally proposed under the current application a section of 3.4m of wall would be removed. As proposed under the revision submitted to the Board the section of wall proposed to be removed would be 2.3m.
- 7.1.8. The appeal provided a number of examples of permitted development relating to Protected Structures where works included the removal of sections of original internal walls.
- 7.1.9. In relation to the cited application which refers to no. 5 Prince Edward Terrace Upper (Reg. Ref. D10A/0387), I note that the scheme granted involved the removal of a full section of an original internal wall between the kitchen at lower ground floor and the adjoining room. The permitted development also included the removal of a section of central spine wall at the stairwell which is very similar to what is proposed under the current application. Regarding the cited application which refers to 6 Prince Edward Terrace Upper (Reg. Ref. D09A/0931), I note that the permitted development involved the partial demolition of two walls in the kitchen at lower ground floor to create a new ope and extend an existing ope.

- 7.1.10. In relation to the appeal (PL29S.246087) referring to a house at 54 Highfield Road, Rathgar, I note that the permitted internal works included the removal of a section of the original kitchen wall.
- 7.1.11. The two applications referring to neighbouring properties within Prince Edward Terrace Upper are of most relevance and indicate that somewhat of a precedent has been provided in relation to the removal of sections or parts of original internal walls to the lower ground floor. I consider the current proposal is similar to the cited permitted development. Furthermore, I consider the revised proposals do address the concerns raised in the refusal which relate to loss of the original built form of the property. This is addressed with the retention of the downstand beams to indicate the original wall line.
- 7.1.12. Under amendment no. 5 it is proposed to construct a utility room and WC in the lower ground floor. It is proposed to erect stud partition walls to provide these internal rooms. These proposed works are all reversible works. Section 7.12 of the Architectural Heritage Protection Guidelines for Planning Authorities provides guidance on the matter of ensuring reversibility of alterations. It advises that the use of processes which are reversible, or substantially reversible, when undertaking works to a protected structure is always preferable as this allows for the future correction of unforeseen problems, should the need arise, without lasting damage being caused to the architectural heritage. Having regard to the reversibility of the alterations proposed under amendment no. 5, I am satisfied that it would not unduly impact upon the character of the property.
- 7.1.13. Amendment no. 6 relates to the demolition of a section of original interior wall between the existing kitchen and the adjoining front room. This would involve the removal of a 1m section of the wall. It is proposed to retain a nib and the downstand beams to express the plan form. In relation to these works I note that similar works were permitted under Reg. Ref. D09A/0931 at no. 6 Prince Edward Terrace Upper. Given the limited section of wall it is proposed to remove and the proposal to retain a nib and the downstand beams, I consider that the proposal would not unduly impact upon the character of the Protected Structure.
- 7.1.14. Under amendment no. 7 it is proposed to remove stud partition walls which are not original walls. It is also proposed to erect a new wall where the original wall was

situated. These works will provide a new living room at lower ground floor and would provide for a layout which is in line with the original built form. Accordingly, I consider these proposals acceptable.

7.1.15. Amendment no. 8 refers to the provision of a new boiler room under the entrance steps. This does not involve any works to the original walls of the building.

Amendment no. 9 refers to the extension of the return and a change from the proposed permitted layout from a utility and kitchen under Reg. Ref. 13A/0147 to a bedroom and en-suite. The proposed works include the removal of the non-original wall of the WC. I consider these proposals acceptable.

Amendment no. 10 refers to the provision of a natural slate pitched roof in place of the permitted mono pitch metal roof granted under Reg. Ref. 13A/0147. Amendment no. 11 involves the omission of the first floor bedroom extension permitted under Reg. Ref. 13A/0147 and the retention of the existing roof. These proposals will serve to further protect and retain the character of the property.

7.1.16. Having regard to the revised proposal submitted to the Board with the appeal which would result in the loss of less of the original sections of wall to the lower ground floor and the retention of the downstand beams and nib which will serve to ensure that the original plan form is discernible and subject to the works being carried out in accordance with best Conservation Practice, I consider that the proposed development is acceptable.

Appropriate Assessment

7.1.17. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2016-2022 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the subject protected structure or of neighbouring protected structures and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as modified by drawings and documents lodged with the appeal on the 31st day of May, 2017, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The works hereby approved shall be carried out under the professional supervision on-site of an accredited Grade 1 Conservation Architect or expert with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and in accordance with Best Conservation Practice.

Reason: To ensure that the integrity of this protected structure is maintained and that all works are carried out in accordance with best conservation practice.

3. 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.

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

Reason: In the interest of visual amenity and to ensure that the external appearance of the proposed extension does not adversely affect the character of the protected structure.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

1st of September 2017