



An
Bord
Pleanála

Inspector's Report PL29S.248936.

Development

Restoration of house with extension to side and rear, demolition of the modern return, new shed with demolition of the existing shed, reconfiguration of front wall, gate and ancillary works

Location

66 Palmerston Road, Rathmines, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2876/17

Applicant(s)

Brian O'Driscoll and Amy Huberman.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Donal and Isabel Fitzmaurice.

Observer(s)

None.

19th of October 2017 and 27th of

Date of Site Inspection

October 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site contains a semi-detached, two storey over basement, dwelling located on the corner of Palmerstown Road and Ormond Road, south of Rathmines, Dublin 4. The dwelling faces west, with pedestrian access, onto Palmerstown Road. Vehicular access is currently via Ormond Road into the rear garden and the site is bound by 1.2m high block walls along the front rising to c. 2m along the side, south. The dwelling is currently vacant and is a protected structure.
- 1.2. The surrounding area is residential with a range of large semi-detached and terrace red bricked dwellings. A significant portion of dwellings along Palmerstown Road have vehicle access into the front of the sites.

2.0 Proposed Development

- 2.1. The proposed development includes refurbishment and alterations to the existing dwelling and may be summarised as follows:
 - Restoration of the dwelling to a single family residence,
 - Demolition of a modern return (32m²) and new single storey and two storey extension (138m²),
 - Erection of new extension to side and rear of dwelling,
 - Alterations, refurbishment and restoration the protected structure,
 - Reconfiguration of the front wall and existing pedestrian gate for double gates to provide off street parking and vehicle manoeuvring area (as previously approved under Reg Ref 5559/07), removal of side vehicle entrance and build up wall.
 - All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 12 no conditions of which the following condition is of note:

C 11- The existing pay and display parking space along Palmerstown Road which is to be removed to accommodate the proposed entrance shall be provided for along Ormond Road and the existing vehicular entrance onto Ormond Road shall be removed upon completion of works on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the built heritage on the site including the report of the conservation officer, the principle of the new access along Palmerstown Road including the report from the traffic department and the impact of the proposed development on the adjoining residential amenity.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

Roads Department- No objection subject to conditions.

Conservation Officer- No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One observation was received from the residents of the property to the north of the site and the issues raised have been addressed in the grounds of appeal.

4.0 Planning History

2771/11

Permission granted for amendment of works granted under 4406/09 for restoration of a family home demolition of modern rear return and new side and rear extension, new vehicular access and all ancillary works. Extension of Duration for 2771/11/x1- for 5 years from 23rd of January 2017.

5559/07

Permission granted for both **No 67 and No 66** for alterations to front boundary wall and new gates to provide vehicular entrance off Palmerston Road, and 1 no. off-street parking space in each front garden together with associated site and landscaping works

4406/09

Spilt decision with permission granted for restoration of family home to one family residence from apartments, demolition of modern rear return and new extension and vehicular access. Permission refused for the division of a rear garden, construction of a two storey mews dwelling for reason of impact on the character and setting of the protected structure and undesirable precedent for similar developments in the vicinity.

No 67 Palmerstown, to the north

29S.216864 (Ref. Ref 6347/05)

Permission granted at No 67 for single storey extension of total area 25sqm to ground floor rear, and extension of area 6sqm at second floor rear return to existing three storey semi-detached house, which is a Protected Structure, and internal alterations at ground, first and second floor levels, together with external alterations. Condition No 4 required the removal of the vehicular access and parking within the front of the site for reasons of keeping with the development plan polices with regard parking within the curtilage of protected structures.

No 65 Palmerstown Road, to the south on the opposite side of the junction.

3184/16

Permission granted for change of use from multi apartments to single family dwelling and for demolition of a two storey later extension to the rear and replacement with a 2 storey flat roof extension and 3 storey pitched roof extension to the rear, and a single storey lean-to extension at the side gable to Ormond Road. Restoration and refurbishment of 65 Palmerston Road, Rathmines Dublin 6 D06V9H2 (a Protected Structure) a 3 storey semi-detached house.

5.0 Policy Context

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

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

The site is zoned in Z2 *“To protect and/or improve the amenities of residential conservation areas”*.

The subject site is located within an area zoned **Z2, for residential conservation**, therefore the following policies apply:

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 replacement and improvement which is in harmony with the Conservation Area.

Development will not be visually or dominant or have a negative impact on the setting of the conservation area.

Section 16.10.18: Car parking in Conservation Areas.

Proposals for off-street parking in the front gardens of protected structures and within conservation areas will not be permitted where there is a rear option, insufficient area for parking, removal of the front boundary treatment, the subdivision of communal areas and the negative impact on the

conservation area through removal of railings or where there is no precedent for vehicular entrances.

The subject site contains a **protected structure** therefore the following policies apply:

CHC2: To ensure that the special interest of protected structures is protected.

Section 11.1.5.8: Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted. The acceptability of demolition will be considered having regard to the impact on the character of the ACA.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

Extensions to dwellings.

Section 16.10.12 Extensions and Alterations to Dwellings: Extension's to dwellings must not have an adverse impact on the scale and character of the dwellings or adversely affect the amenities of the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17: Guidelines to extensions to dwellings

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the residents of the adjoining semi-detached dwelling to the north of the site and may be summarised as follows:

- The proposed development immediately abuts the boundary of the dwelling to the north.
- The height, depth and scale of the proposed rear extension is not in keeping with the protected structure or the ACA, therefore they are in contravention of policy CHC2 and CHC4.
- The applicants declined to amend the scheme to accommodate the neighbours.

- Car parking was refused to the front of the site in a previous permission (29S.216864) for reasons of impact on the protected structure and a joint application for parking for No 66 & 67 (5559/07) was restricted to one space per dwelling. The proposed parking should be excluded from the proposal.
- The public notices are incorrect as they refer to alterations to a previous permission 5559/07 is expired and was extended under 2771/11.
- The new proposed extension is considerably larger than the previous grant of permission (Reg Ref 2771/11) and the new extension will add significantly to overshadowing in the rear garden from mid-morning to early afternoon.
- The structural engineering submission does not show the proximity to the masonry party wall.
- It is requested the Board condition the length of the proposed extension matches the length of the proposed extension to the rear of No 67.
- The roof of No 67 is incorrectly shown on the drawings.
- The extent and scale of the proposed extension are beyond the minimum necessary for the protected structure.
- The current length and height of the proposed rear extension would have an overshadowing and overbearing impact on No 67.
- The examples of planning applications submitted by the applicant's agent are not relevant to this site and it is submitted that the example of No 65, on the opposite side of the road, is more relevant as the scale of the rear extension was reduced to respect the character of the protected structure.

6.2. Applicant Response

A response has been submitted from the agent on behalf of the applicant and includes revised drawings and a detailed shadow study.

- New Issues: It is proposed to include a reduction in the height of the wall of the single storey extension along the north of the site to No 67 by 300mm to 3.35m. A landscape plan for the front garden has been submitted to illustrate integration of the car parking at the front of the site.

- Conservation area: The proposed development includes proposals to enhance the appearance of the dwelling as acknowledged by the conservation section of the Council. It is not+ visually obstructive.
- Parking at the front: The principle of the parking is acceptable based on the previous grant of permissions, 29S.216864, 5559/07, 2271/11. The plot width (12.72m) of the site is greater than the adjoining (8.65m) at No 67 which has off street parking to the front of the site (granted 6344/05). Section 16.10.18 refers to off-street parking in conservation areas and within the curtilage of protected structures and the proposal complies with the guidance. A landscaping plan has been submitted to minimise the impact, where the landscaped area (104m²) is in excess of half the total area of the front garden, exclusive of car parking (68m²).
- Rear extension: The submitted shadow analysis illustrated compliance with the BRE guidance where there will be a minimal increase in overshadowing on the rear garden of No 67 in the afternoon.
- Party Wall: It is not proposed to build on the party wall, although a condition to protect the wall will be accepted.
- Ground floor extension: A reduction in the height of the wall bounding the north by 300mm will reduce any negative impact on the adjoining property.
- Precedent: There are permissions in the vicinity which indicate a precedent for similar types of development, in particular a rear extension granted at No 65 Palmerstown Road, on the opposite side of the junction.

6.3. Planning Authority Response

No response received.

6.4. Observations

None received.

7.0 Assessment

7.1. The following assessment has regard to the revised plans submitted with the applicant's response to the grounds of appeal and includes a sunlight access impact analysis for the rear extension and a reduction of the wall along the north of the ground floor extension adjoining No 67, the appellants dwelling. These details were recirculated and no further submission was received from the appellants. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Residential Amenity
- Built Heritage and Visual Impact.
- Appropriate Assessment

Principle of development

- 7.2. The subject site includes a semi-detached dwelling and is located on a site zoned as Z2, where it is an objective to protect or improve the amenities of residential conservation areas. The adjoining dwelling (No 67) has been extended to the rear and there are works currently underway to a dwelling on the opposite side of the junction (No 65).
- 7.3. A previous grant of permission (Reg Ref 2771/11, extended until 2021) on the site included the removal of the modern extension and a new two storey extension (119m²). The appellant has stated the public notice should reference the extended permission (2771/1x1) rather than the original permission (2771/11). I consider the inclusion of the original permission is not misleading to the public and I note no issues were raised by the planning authority, therefore I consider the reference to the original permission in the public notices is acceptable. The proposed development is similar (138m²) to the proposal granted under Reg Ref 2771/11, although the increase in floor space mostly relates to the increase in the ground floor rear extension and an increase in depth for the upper floors by 1.5m.
- 7.4. Having regard to the pattern of development in the vicinity, the planning history and the zoning on the site and subject to complying with other policies and objectives of

the development plan, detailed below, I consider the principle of development at this location acceptable.

Residential Amenity

- 7.5. The existing dwelling is a two storey over basement semi-detached dwelling located within a residential area characterised by 3 and 2 storey terrace and semi-detached dwellings with similar facades and external finishes. The proposed development includes the demolition of a 2 storey rear return and construction of a large ground floor extension and smaller first and second floor rear extension. The grounds of appeal have raised concern in relation to the impact of the proposed two storey extension on their residential amenity, to the north of the site, which I have assessed below.
- 7.6. Overlooking: The windows on the upper floors are located on the east and south elevations. There are no windows located on the north elevation facing onto No 67. Section 17.5 of the development plan includes guidance for a 22m separation distance of windows on upper floors. The dwelling to the rear of the site, east, is orientated north with the side gable elevation facing onto the subject site and No 65, to the south, on the opposite side on the Ormond Road is located 25m away. Therefore, based on the location of the windows in the upper floors and orientation of adjoining dwellings, I do not consider the proposed development would cause any overlooking of any adjoining properties.
- 7.7. Overshadowing: The subject site is located to the south of No 67, the appellant's dwelling. The upper floors of the rear extension projects 1.9m from the existing rear building line and is 2.7m from the edge of the northern boundary. A sunlight access impact analysis was submitted by ARC Architectural Consultants Ltd on behalf of the applicant, in response to the grounds of appeal. The analysis concludes that the shadows cast by the proposed development is not predicted to result in any undue adverse impact on sunlight access to the rear garden of No. 67 within the meaning of the BRE guidelines. Section 17.6 of the development plan states that where two storey rear extensions project too far from the main building elevation there may be negative effects on the amount of sunlight received by neighbouring properties. The shadow analysis drawings illustrate that the two storey extension will cast a shadow over the rear extension of No 67 at mid-day and the rear garden in early afternoon. I

note the orientation and scale of the existing building and I consider the majority of overshadowing in the rear garden of No 67 originates from this building, therefore, I do not consider the additional floor space on the upper floors will cause a significant increase in overshadowing to the rear of No 67. I do not consider the overshadowing on the rear extension of No 67 would have a significant negative impact on the residential amenity of the residents of this property.

7.8. Overbearing: The ground floor extension projects 7.5m from the rear building line of the existing dwelling and parallel along the side of the northern party wall (separated by c. 0.2m) and past the ground floor extension of the that in No 67 by c. 2m. A reduction in the height of the wall along the north of the ground floor extension by 300mm was included as a new issue by the applicant in response to the grounds of appeal. The upper floor extension will extend 1.9m from the rear building line and is located along the southern side of the wall 2.7m from the boundary of No 67, to the north. Section 17.5 of the development plan requires that proposed extensions do not dominate or appear overbearing when viewed from adjoining neighbours. I note that part of the rear extension will be visible from two of the windows on the upper floor of the adjoining property to the north, although based on the design and distance of the extension from these windows, I do not consider there will be any overbearing on this property. In addition, Section 17.8 of the development plan refers to the need for an extension to play a subordinate role to the main dwelling by supporting rather than overbearing. The impact on built heritage is considered below, although in general I consider the overall design and scale of the extension compliments the massing of the existing dwelling.

7.9. Therefore, based on the location and orientation of the site and the design and layout of the proposed rear extension, I do not consider the proposed development would have any significant negative impact on the residential amenity of the residents of any adjoining property.

Built Heritage and Visual Impact

7.10. The subject site is located within an area zoned as Z2, residential conservation area and the dwelling is a protected structure. The grounds of appeal argue the scale and mass of the extension the proposed car parking at the front of the dwelling will have a negative impact on the conservation area and the protected structure and will,

therefore, be a contravention of policies CH2 and CH4 of the development plan. I have assessed the impact, of the individual elements of the proposed development, on the built heritage of the site and the surrounding area, as below.

- 7.11. Refurbishment- The works involved internally, not linked to the integration of the rear extension, include the replacement of the upvc windows with hardwood double windows, general façade restoration, restoration and extension of main roof, restoration of stone work at ground level and other minor internal and external refurbishment. A Conservation and Condition Report prepared by Tyler Owens Architects, details the proposed alterations and concludes that most of the original materials will be retained and reused and the proposed works will have a minimal or positive impact on the protected structure. In addition to this, the report states that works will be supervised by a conservation architect, which I consider reasonable. The report of the Conservation Section has no objection to the proposed development. I note the submitted conservation report and the response from the conservation section and I have assessed the internal alterations which I do not consider will have a negative impact on the character of the protected structure.
- 7.12. Demolition: The proposed development includes the demolition of an existing two storey rear return, a modern addition, to the protected structure. Guidance is provided in Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities for demolition of structures and buildings in Architectural Conservation Areas and protected structures. Where it is proposed to demolish a structure, the features of special interest must be assessed and the impact of the replacement on the character of the area. With this in mind, I have assessed the features of interest of the current extension and I do not consider it has any architectural merit which contribute to the character of the dwelling or the surrounding area, therefore, I consider it is justifiable to demolish the structure.
- 7.13. Design and Layout of the extension: As stated above, the main alterations to the protected structure include the extension to the rear and side of the dwelling. The design of the extension is similar in style to the rear extension at No 67, to the north and includes red brick and materials similar to the existing building. The report of the Conservation officer refers to the modest increase in size of a previous approved extension at upper levels (Reg Ref 2771/1) and the streamlined plan for the ground floor kitchen extension. I consider the design and layout of the proposed extension

compliments the character of the existing dwelling, and I do not consider it would have a negative impact on the setting of the protected structure.

7.14. Car parking at the front: The subject site is located on the junction of Palmerstown Road and Ormond Road which have both pay and display parking along the roads. The proposed development includes the opening of an existing pedestrian access along Palmerstown Road for vehicular access (2.6m wide) and the removal of the existing vehicular access to the side at Ormond Road. A landscaping plan, submitted by the applicants as a response to the grounds of appeal, includes indicative soft landscaping along the boundary of the front garden (104m²). The proposed access is through a pay and display on street car parking space. Planning permission was previously granted (Reg Ref 5559/07) for a similar access for both No 67, to the north and the subject site. Section 16.10.18 of the development plan provides guidance for proposed parking in the front gardens of protected structures and within conservations areas where it is not appropriate should there be sufficient parking to the rear, cause the subdivision of communal areas, remove historic railings and have a negative impact on the area. The proposed parking replaces a vehicular access to the rear of the site and I note is similar to that access into the adjoining property at No 67 granted permission in Reg Ref 5559/07, which I do not consider has a negative impact on the dwelling or the surrounding conservation area. The report of the traffic department has no objection to the proposed development subject to the conditions including the relocation of the pay and display space along Palmerstown Road to Ormond Street, which I consider reasonable.

7.15. Therefore, based on the pattern of development in the vicinity and the location and design of the extension, I do not consider the proposed development would have a significant negative impact on the setting of the protected structure or the amenities of the streetscape.

Appropriate Assessment

7.16. Having regard to the nature and scale of the proposed development within a serviced urban area, and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the Z2 zoning objective for the area, the policies and objectives of the Dublin City Council Development Plan 2016-2022, the pattern of development in the immediate vicinity it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity have a negative impact on the character and setting of a protected structure or the conservation area, or endanger public safety by reason of traffic hazard. 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 and by the further plans and particulars received by An Bord Pleanála on the 24th of August 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The existing pay and display space along Palmerstown Road which will be removed to accommodate the proposed entrance shall be provided for along Ormond Road. Prior to commencement of development, the applicant shall contact the area traffic engineer in Dublin City Council

regarding alterations to the pay and display scheme/ line markings. All works shall be carried out at the developers own expense.

Reason: In the interest of traffic safety and proper planning and sustainable development.

3. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

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

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

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.

Karen Hamilton
Planning Inspector

27th of October 2017.