



An  
Bord  
Pleanála

## Inspector's Report PL29N.249243

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<b>Development</b>	Demolition works to rear, erect a double-height rear extension, refurbishment works and retain two rooflights and rear vehicular access (Protected Structure)
<b>Location</b>	63 North Circular Road, Cabra, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3209/17
<b>Applicant(s)</b>	Conor Feeney & Jennifer Goode
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Conor Feeney & Jennifer Goode
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> December 2017
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Cabra on the North Circular Road (R101 regional road), an arterial traffic route, approximately 320m northeast of the North Circular Road entrance gates to Phoenix Park and 2.5km northwest of Dublin city centre.
- 1.2. The site is rectangular in shape and has a stated area of 394sq.m, with approximately 6.5m site frontage onto the North Circular Road. It contains a two-storey over basement mid-terrace dwelling (a Protected Structure) dating from the mid to late 19<sup>th</sup> century and including a two-storey rear return. The architecture of the dwelling includes a pitched M-profile slate roof, brown-brick walls, rendered walls at basement level and square-headed window openings. To the front of the site is a flight of cut granite steps to an elliptical-arched front entrance and a garden enclosed by cast-iron railings. To the rear of the dwelling is a garden space, approximately 37m deep and backing onto a service laneway, known as Marlborough Mews, which is extensively flanked by mews dwellings.
- 1.3. The immediate area is primarily characterised by rows of terraced 19<sup>th</sup>-century dwellings opening directly onto the tree-lined North Circular Road. Neighbouring properties feature a variety of rear extensions. Ground levels in the vicinity drop gradually moving southwest along the North Circular Road.

## 2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
  - Partial demolition of the two-storey rear return;
  - Construction of a two-storey rear extension with a stated floor area of 22sq.m;
  - Replacement windows throughout and replacement of a front basement level window with double-doors with screen planting to the front;
  - Internal alterations including lowering of basement level to rear return;
  - Retaining wall to rear raised patio area and retaining wall to front lower ground-floor access;
- 2.1.2. The development proposed to be retained comprises the following:

- Two rear-facing rooflights to M-profile roof;
- Retain vehicular access off rear service lane (Marlborough Mews).

2.1.3. The planning application was accompanied by a Preliminary Conservation Report & Planning Statement including Civil and Structural Engineering works, Survey drawings and a Photographic Survey prepared by Derek Dockrell Conservation Architect Grade 3.

## 3.0 Planning Authority Decision

### 3.1 Decision

3.1.1. The Planning Authority decided to grant permission subject to 10 conditions, most of which are of a standard nature, but also including the following conditions:

- **Condition No.2:** 'The development hereby permitted shall be amended as follows:

The upper level of the extension structure to the rear of the building shall be omitted.

**Reason:** To safeguard the special architectural interest of the protected structure'.

- **Condition No.3:** 'The development hereby permitted shall be amended as follows:

The extended ope with new door and screen proposed at lower ground floor level to the front of the building shall be omitted and the existing ope and window retained in situ.

**Reason:** To safeguard the special architectural interest of the protected structure'.

### 3.2 Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority. The Planning Officer notes the following:

- It is considered that the renovation and reinstatement to a single family residence would have a significant positive impact on the Protected Structure and adjoining buildings;
- Conservation Officer recommends omission of the upper floor to the rear extension, to avoid compromising the Protected Structure with an unsympathetic extension. This would not lead to a reduction in the floor area of the extension;
- Proposal to replace an original front basement-level window with 'French' double doors would not be acceptable;
- A method for replacing the windows should be requested via condition;
- Proposed rooflights for retention provide good light to bedrooms and are not visible from the front or the rear of the house;
- With the exception of the glazed first-floor element and the double doors to the principal façade, the proposals are a reasonable balance between conserving important heritage values and making the building fit for purpose;
- Application is proposing that the building is returned to use as a single house from a multi-occupancy use and would not impact on services or rear laneway access.

### 3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - **no objection** subject to conditions;
- Archaeology, Conservation & Heritage – Conservation Officer - **no objection** subject to the stated conditions (Nos. 2 and 3).

### 3.3. Prescribed Bodies

- Irish Rail - **no response**;
- Department of Culture, Heritage & the Gaeltacht - **no response**;
- An Taisce - **no response**;
- The Heritage Council - **no response**.

### 3.4. **Third-Party Submissions**

3.4.1. One submission was received during consideration of the application from a neighbouring resident to the north at No.69 Marlborough Mews, which raised the following:

- Concerns regarding additional sewerage and resultant impact on No.69 Marlborough Mews;
- Marlborough Mews is narrow, in poor repair and does not have sufficient capacity to accommodate the additional associated traffic.

## 4.0 **Planning History**

### 4.1. **Appeal Site**

4.1.1. There is no recent planning history associated with the site. In March 2017 pre-planning consultation regarding a two-storey rear extension was undertaken by representatives of the applicants with the Planning Authority under Ref. PAC0121/17. The Planning Authority advised the representatives of the applicants of their concerns regarding the double-doors to the front, and that materials and a conservation assessment would be key issues.

### 4.2. **Surrounding Sites**

4.2.1. There is no recent planning history associated with the immediately adjoining properties (Nos. 61 and 65). Recent planning applications in the vicinity primarily relate to the mew properties along Marlborough Mews, but also to rear extensions, including the following:

- No.59 North Circular Road – DCC Ref. 2443/15 – Permission **granted** (June 2015) for demolition of three-storey extension and erect a three-storey rear extension to terrace dwellinghouse (Protected Structure) to the southwest of appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect and/or improve the amenities of residential conservation areas'. Residential uses are 'permissible' on lands zoned 'Z2'. No.63 North Circular Road is a Protected Structure listed under reference 1580 of the Record of Protected Structures (RPS). The immediate row of terraced dwellings are also included in the RPS.
- 5.1.2. The most relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Section 11.1.5.3 and policies CHC1 and CHC2 of the Development Plan provide standards and guidance relating to Protected Structures. Policy CHC4 seeks 'to protect the special interest and character of all Dublin's Conservation Areas', where enhancement opportunities may include, inter alia, contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area'. Design standards for residential development are set out under Section 16.10 of the Development Plan.

### 5.2. National Guidelines

- 5.2.1. The following guidelines are relevant:
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
  - Architectural Heritage Protection: Guidelines for Planning Authorities (2011).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged only against Condition Nos. 2 and 3 attached to the Planning Authority decision. The following grounds of appeal are raised:

## Condition No.2

- Proposed extension would not have an adverse visual impact and the Board are requested to advise the Planning Authority to omit Condition No.2, as provided for under Section 139 of the Planning & Development Act 2000, as amended;
- Rear extension would accord with the policies of Dublin City Development Plan and the guidance contained within the Architectural Heritage Protection: Guidelines for Planning Authorities, and would be complementary and sensitive to the historic fabric of the building;
- Historical layout of the house needs to be adapted to meet contemporary living and the proposed arrangement provides a dynamic and fluid arrangement when excluding Condition No.2;
- It is questionable whether or not the property is of 'special interest', nevertheless the proposed extension is reversible, it retains the existing plan form and hierarchy of the Protected Structure and would involve minimal intervention to the two-storey return and rear elevation;
- Neighbouring precedent is provided for via the more extensive demolition works (two-storey return) and three-storey extension to No.59 North Circular Road (DCC Ref. 2443/15);
- The rear wall of the existing structure would largely remain visible under the proposals, and the transparency of the extension with extensive use of glazing is not recognised within the Conservation Officer's report;
- Enclosing residual yard spaces with contemporary additions is accepted in all building types and scales, and is not more suited to large-scale office developments, as stated in the Conservation Officer's report;
- Incorporation of a double-height space has been accepted in other similar properties, including Protected Structures and a range of design approaches were considered prior to arriving at the proposed solution, which would best harness natural light and thermal efficiency for the dwelling;



### Condition No.3

- Double-doors opening to the front street would connect the internal room with the front garden area, would improve surveillance of the front street area and would improve access. Proposed doors would not be unique on this road, would be sympathetic to the building and would not be highly visible;
- An amended condition could address the concerns of the Conservation Officer.

6.1.2. The appeal is accompanied by a set of photographs of the appeal property, drawings and a set of photographs of an extended property at No.81 Tritonville Road, Sandymount, photographs of an extended property in Grove Park Road, London and photographs of the extended neighbouring property at No.59 North Circular Road.

### 6.2. Planning Authority Response

6.2.1. The Planning Authority response to the grounds of appeal states that the substantive planning matters and reasons for the decision of the Planning Authority are outlined in the Planning Officer's report assessing the application.

### 6.3. Observations

6.3.1. None.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. This is a first-party appeal only against Condition Nos. 2 and 3, attached to the Planning Authority's decision to grant permission, which require the following:

- Condition No.2: Omission of the upper level of the rear extension;
- Condition No.3: Omission of the double-doors and screen to the front.

7.1.2. The appeal site includes a mid-terrace two-storey dwelling over basement level, which is a Protected Structure. The proposed development includes a double-height rear extension with upper level void over a kitchen/dining area adjoining the original

two-storey rear return, as well as, various alterations to refurbish and upgrade the dwelling.

- 7.1.3. Having regard to the nature and scale of the proposed development, the absence of third-parties to the appeal and the nature of Condition Nos. 2 and 3, 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, and therefore the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning & Development Act 2000, as amended.

## 7.2. **Condition No.2**

- 7.2.1. For functional and aesthetics reasons, the grounds of appeal assert that Condition No.2 should be omitted, as they consider that the proposed double-height extension would involve minimal intervention to the Protected Structure, as it would be in proportion with the Protected Structure and as it would provide a rational means of achieving contemporary living standards. The grounds of appeal also note that the original form and layout of the Protected Structure would remain readily visible to the rear, particularly through the use of extensive glazing to the extension rear elevation. The appellants also question whether the subject property is of 'special' merit, as it is typical of its age and many original features have been removed.
- 7.2.2. The Planning Authority's reason for attaching Condition No.2 to their notification of the decision to grant permission is to safeguard the special interest of the Protected Structure. The Planning Officer noted that extensions had been undertaken to other neighbouring Protected Structures and that proposals must be assessed with regards to their individual merits and setting. The Conservation Officer considered that the upper floor element of the rear extension would alter the traditional plan form of the building and would not be sympathetic to the Protected Structure. The Planning Authority consider that the upper element of the extension would give rise to a significant adverse visual impact both from within the building and when viewed from the rear.
- 7.2.3. The subject property is built on a similar ground level and building line to the adjoining properties, Nos. 61 and 65 North Circular Road, which have not been extended, but feature two-storey rear returns. I consider that the upper level of the extension would not have an unacceptable impact on the residential amenities of

these two adjoining properties, given the modest depth of the extension, the positioning of the rear windows on the adjoining properties and the two-storey rear returns on the appeal property and adjoining properties. The rear extension would only be visible from the rear of mews properties along Marlborough Mews. Policy CHC2 of the Development Plan provides standards and guidance relating to Protected Structures and in doing so seeks to ensure that the special interest of Protected Structures is conserved and enhanced in development proposals. Section 6.8.1 of the Architectural Heritage Protection: Guidelines for Planning Authorities provide guidance regarding extensions to Protected Structures including the need to ensure extensions involve the smallest possible loss of historic fabric.

- 7.2.4. The Planning Authority considers that the upper level extension cannot be permitted without seriously compromising the architectural significance of the Protected Structure. The appellants refer to extensions to No.59 North Circular Road, a neighbouring Protected Structure, and other properties as providing precedent for the subject extension (DCC Ref. 2443/15). I acknowledge that No.59 is not immediately adjacent to the appeal site and the extension to No.59 does not extend across the width of the site. However, I consider that the proposed extension would have significantly less impact when compared with the extension to No.59, as the proposed extension would not dominate the rear elevation to the same scale as it would incorporate extensive glazed elements and would be significantly lower in height.
- 7.2.5. The Protected Structure features an original two-storey rear return and the grounds of appeal assert that infilling the adjoining overshadowed yard space via insertion of the subject double-height extension would energise this space. When viewed from the rear, the basement level to the house on site is largely screened by the drop from the garden and the existing two-storey rear return reads as a single-storey structure relative to existing ground levels. The applicants propose to drop the rear basement level to the extension element and to construct a retaining wall to the rear of the proposed extension (see Section B-B of Drawing No. 516 004). Consequently, a significant proportion of the ground or basement floor to the rear extension would not be visible and the proposed extension would not read as a two-storey extension and would not appear excessively dominant on the rear facade. The proposed extension would involve a contemporary intervention to the Protected Structure. The proposals

conserve aspects of the form and layout of the Protected Structure, including the use of the original two-storey return and the rear elevation with opes, as integral design features visible both from within the extended dwelling and from the rear via use of extensive glazing. Accordingly, I do not consider that the upper level element of the extension would represent an inappropriate or unsympathetic design response in extending this Protected Structure.

7.2.6. In conclusion, I am satisfied that Condition No.2 requiring the omission of the upper level of the rear extension would not be warranted, considering the pattern of development in the area, as the proposed upper level to the extension would not significantly obscure or adversely affect the rear elevation or alter the form and layout of the Protected Structure, as the rear extension would be to basement and upper ground-floor level and would thus not read as an overly-dominant two-storey extension when viewed from the rear. Accordingly, the upper level to the proposed extension would not have an unacceptable impact on the special architectural interest of the Protected Structure and would not compromise the visual amenities of the area. Consequently, the Planning Authority should be directed to omit Condition No.2.

### 7.3. **Condition No.3**

7.3.1. The proposed development included the replacement of a basement window to the front elevation and the grounds of appeal assert that there are functional reasons supporting the omission or amendment of Condition No.3, including an improved connection between the internal basement room and the front garden, increased surveillance of the front street area and greater accessibility. The grounds of appeal also assert that the proposed doors would not be unique on this road, would be sympathetic to the building and would not be highly visible, given their position at basement level and the proposed screen planting. The Planning Authority's reason for attaching Condition No.3 to their notification of a decision to grant permission is to safeguard the special interest of the Protected Structure. In assessing the proposals, the Planning Authority note that the front elevation to the Protected Structure is largely intact and defining features, such as doors and windows, should be retained and conserved, particularly given the context within a terrace of similar Protected Structures.

- 7.3.2. The grounds of appeal refer to the proposed doors as not being unique on this stretch of road, but I am not aware of any permission for similar interventions coming before the Board and during my visit to the site and surrounding area, I did not note any neighbouring properties with double-doors to the front at basement level. The windows and doors are integral defining features of the subject Protected Structure and I consider that the omission of a window and its replacement with double doors would not be sympathetic to the character and appearance to the principal façade of the Protected Structure and, therefore, would be a visibly discordant feature when viewed from the front street area alongside the neighbouring row of Protected Structures within this 'Z2-zoned' Conservation Area.
- 7.3.3. In conclusion, I am satisfied that Condition No.3 requiring omission of the double doors from the front elevation would be warranted, as it would serve to safeguard the special architectural interest of the Protected Structure, and its omission would be warranted in order to protect the character of the Protected Structure and to protect its setting as part of a row of terraced properties that are also Protected Structures.

## 8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

It is recommended that the Planning Authority be directed to **OMIT** condition number 2 and **ATTACH** condition number 3 for the reasons and considerations hereunder.

## 10.0 **Reasons and Considerations**

- 10.1.1. Having regard to the nature and scale of the proposed development, the Z2 Conservation Area zoning and the pattern of development in the area, it is considered that condition number 2 requiring the omission of the upper level of the

extension is not warranted, as the special architectural interest of the Protected Structure and the visual amenities of property in the vicinity would not be adversely affected by the upper level to the extension. Furthermore, it is considered that condition number 3 requiring the omission of the double-doors and screen to the front is warranted, as the subject condition would safeguard the special architectural interest of the Protected Structure and would ensure that the proposed development would not adversely affect the visual amenities of the area. It is considered that with the omission of condition number 2 and with the attachment of condition number 3, the proposed development would not adversely impact on the character or setting of the subject Protected Structure or of property in the vicinity, including the neighbouring Protected Structures. The proposed development with the omission of condition number 2 and attachment of condition number 3 would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

19<sup>th</sup> December 2017