



An
Bord
Pleanála

Inspector's Report ABP 300815-18

Development	Refurbishment to four storey building and conversion from multiple residential units to one residential dwelling, replacement of extension with two storey over basement extension, minor internal and external modifications to include en-suite bathrooms and enlarged bathroom at 2 nd floor in rear return.
Location	No 42 Waterloo Road, Ballsbridge, Dublin 4. (Protected Structure.)
Planning Authority	Dublin City Council
P.A. Reg. Ref.	3703/17.
Applicant	Tim and Margaret Murphy
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Decision to Refuse.
Appellant	Tim and Margaret Murphy
Date of Site Inspection	28 th May, 2018.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 464 square metres and is that of a late Georgian period, mid terrace three storey over basement townhouse with rear returns. The house is in pair with No 44 with which it has a shared granite staircase to the main entrance over a semi basement/garden level. The granite staircase has cast iron railings on a granite plinth at the side. The front garden which has been cleared and was not landscaped at the time of inspection. The house was unoccupied at the time of inspection but formerly was subdivided providing for multiple occupancy in fourteen dwelling units.
- 1.2. Within the house through which a walk through visual inspection was undertaken the fourteen units in the entire house had been stripped out and partitions removed returning the house to the original planform. Significant original fabric was intact and in good condition to include doors, doorcases, flooring, staircase and banisters, window frames and shuttering, most of the original sash windows, staircases and banisters and plasterwork to include decorative coving and ceiling roses. At lower level, and opes are boarded up and may have been enlarged.
- 1.3. At the time of inspection there was two to three metres wide opening on the site frontage. One gate pier was intact but the other was missing and there were no gates and the railings and granite plinth on the front boundary wall was missing. New constructed walling is along the party boundaries with the adjoining properties. The rear garden area is subdivided providing for a dwelling facing onto Heytesbury Lane with private open space to the rear. Original boundary walls to each side were intact.
- 1.4. Terraced Georgian townhouses setback behind deep front gardens with cast iron railings along the frontage are on both sides of Waterloo Road except for some commercial buildings, at the northern end on the west side at the junction with Baggot Street Upper. While some original front boundary cast iron railings and gardens have been altered, providing for carparking, the original streetscape character is substantially intact. The houses are either in office use, divided into multiple residential units or are in use as single dwelling units.

1.5. Heytesbury Lane, historically a service lane, is located parallel to Waterloo Road at the rear of the houses on Waterloo Road on the east side and the rear of the houses on the west side of Wellington Road. Mews developments on sites subdivided formed from the rear gardens of the town houses the are now located along and accessed from the lane.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for:

refurbishment to four storey building, reversal of the conversion from fourteen multiple residential units to one residential dwelling,

replacement of extension with two storey over basement extension and.

minor internal and external modifications to include en-suite bathrooms and an enlarged bathroom at 2nd floor in rear return.

2.2. A request for additional information was issued by the planning authority on 12th October, 2017 further to recommendations made by from the conservation officer for submission of:

Drawings clearly detailing existing surviving historic fabric and the scope of works proposed, services fire upgrades and structural repairs,

Clarification of the proposed scope of works to the front of the building, especially the front boundary,

Reconsideration of the response the proposed new build can make to the hierarchy of return structures and transition between new and old at the rear.

2.3. Revised drawings, a photographic record a modified design for the extension were submitted to the planning authority, in response to a request for further information request from the planning authority on 1st December 2018. According to the submission, in which it is stated that the proposed development is positive in conservation terms:-

- A non-original element at the rear return has been removed, as previously permitted under P. A. Reg. Ref. 3335/07.

Conservation repairs but no significant structural interventions are proposed, the stripping back undertaken reveals a lot significant historic fabric.

- Roof repairs were undertaken with re-use of the blue Bangor slates and the chimney stack was repaired with appropriate lime mortar. At the rear a shed is to be removed and part of the boundary wall which will be taken down and rebuilt.
- Due to the subdivision of the house into fourteen dwelling units there is a huge amount of service runs and services throughout the building and that it is impossible to indicate all the details on drawings.
- The missing section of the front boundary wall is to be reinstated incorporating re-use of surviving fabric.
- A revised alternative design proposal is provided for the extension to address the concerns about the hierarchy and transition between old and new. Drawings TM W.P.A.01/01-07 refer. It is stated that the extension reduces in size by each floor from the bottom to the top reaching the scale of the original pitched roof on the original return on the side elevation which reduces the bulk and adding interest to the side elevation. The mono pitch roof elements at the stepping points provide additional articulation. Vertical emphasis is retained in the rear elevation with obscured, central horizontal spandrel panels resulting in the two top levels being three over three windows.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 5th January, 2018, the planning authority decided to refuse permission for the following reason:

“The proposed development, which includes both works to and extension of a protected structure, does not provide a sufficient level of information as to the scope of works proposed as per Section 6.4 of the Architectural Heritage Protection Guidelines, or Section 11.1.5.3 of the Dublin City Council Development Plan, 2016-2022, and therefore, does not comply with best

practice Conservation principles and could result in potential loss of character. The proposed extension is also not in accordance with Development Plan Policy as set out in Sections 11.1.5.3 and 16.10.12 as it is excessive in scale and mass and by virtue of its design and finishes would have a significant adverse impact on the scale, character and setting of the protected structure. It would also adversely affect the amenities of the occupants in adjacent buildings in terms of loss of residential amenity and negative visual impact when viewed from adjoining properties and is thereby considered to be seriously injurious to their residential amenity and would not be in the interest of proper planning and sustainable development”.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer having assessed both the original application and further information submissions considered that the proposed development was unacceptable for the reasons attached to the decision to refuse permission as set out above under section 3.1.1

Other Technical Reports

- 3.2.2. The report of the Conservation Officer on the original application indicates a recommendation for a request for further information comprising: (1) Details required included drawings showing clearly surviving fabric, works to ensure survival of this fabric and clearly specified details of service, fire upgrade and structural repair works proposed. distinction between fabric and features to be retained and removed and, (2) modifications to new build proposals that satisfactorily responds to the hierarchy of the return of the existing building to allow for improved transition between old and new.
- 3.2.3. Serious concern is expressed about the proposed demolition to the lower section the original return for reasons relating to stability of the gable of the larger return, to the scale of the infill proposed, height and scale of the proposed gable window and the side elevation of the proposed replacement return. A reduced scale extension, retention of the original footprint of the lower return with less loss of historic fabric is recommended.

3.2.4. The second report of the Conservation Officer, on the further information submission indicates a recommendation for refusal of permission on grounds of:

- lack of clarity and insufficient information on the scope of works for historic fabric at the house, garden and frontage railings and gates,
- failure to demonstrate good conservation practice in accordance with the recommendations in, “*Architectural Heritage Protection: Guidelines for Planning Authorities*”, (DOEHLG, 2004) and,
- serious injury to the architectural character of the protected structure.

3.2.5. The report of the Drainage Division indicates no objection subject to conditions.

4.0 Planning History

4.1.1. **P. A. Reg. Ref. 3335/07:** Permission was granted for refurbishment and conversion from multiple dwelling units to one dwelling and associated works. Under Condition No 2 a first-floor level en-suite bathroom and enlarged bathroom at second floor level were excluded from the grant of permission. Under Condition No 4 there was a requirement for a maximum 2.6 metres width for a vehicular entrance on the frontage with gates matching the existing boundary railings and for provision for soft landscaping in the front curtilage of the site.

4.1.2. The planning officer notes two Enforcement File held by the planning authority. An Enforcement Notice was issued in response to a complaint about unauthorised works in 2017 (EN0572/17 refers) and separately there has been an investigation into a complaint about unauthorised subdivisions and works (EN0190/13 refers.)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective Z2: “*To protect and/or improve residential conservation areas.*” Policies for the protection of the special character of designated residential conservation areas are set under section 11.1.5.4 and Policy Objective CHC4.

The nineteenth century houses on Waterloo Road, (including No 42) are included on the record of protected structures.

Guidance and standards for residential extensions and alterations to dwellings are set out in section 16.10.12

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from O'Dea and Moore on behalf of the applicants on 1st February, 2018. Drawings are attached. In the submission it is stated that the existing return and original granite external steps that flank it are to be retained and that when the applicant purchased the property the front boundary railing had previously been partially removed and that proposals for reinstatement and repair were included in the response to the request for additional information by the planning authority. An outline summary of the appeal follows:

- An appropriate level of information was provided to facilitate assessment of the potential impact on the protected structure. The stripping out of modern interventions leave minor repair and decorative works which would be undertaken in accordance with best conservation practice. No significant structural intervention is proposed.
- Photographs were used instead of complete drawings detailing existing services because the services works are so extensive the drawings would be unintelligible. There is no doubt that the removal of existing services for the fourteen units to facilitate the conversion to one dwelling will have net positive impact on historic character and fabric. There are existing service runs for the original single dwelling so there is no need for damaging interventions.
- If the proposed extension was not included, the proposed development would have been exempt development with reference to SI 600/2001, Schedule 2, Part 1, Class 14 (e).
- The proposed return will be subordinate to the existing house, contrary to the view of the planning officer, and is in accordance with section 16.10.12 of the

development plan. The new build is graded from a modest first floor element to slightly larger ground floor element which relate well to the “grander” upper level spaces of the main house and aspects and views whereas there is generous space provision at the lower ground level.

- The previously permitted development included a much larger lower level footprint. (P. A. Reg. Ref. 3335/07 refers.) A larger footprint was also permitted at property in the vicinity under P. A. Reg. Ref. 2148/14. The proposed roof for the extension replicate the gable feature at the side. The context was underappreciated by the planning officer.
- A balance is required between preservation of integrity and appropriate adaption and extensions to the subordinate return facilitate in modern living requirements and connection to the garden at the rear. This is achieved in the proposed development.
- The proposed development does not affect the amenities of adjoining properties as there is no projection beyond the returns and the largest element is the lower ground level which is screened.
- Three storey extensions have bene constructed at Nos 10, 25 and 81 Wellington Road. (P. A. Reg. Refs. 3863/17, 403/15 and 5032/07 refer.)
- The applicant would be open to accept the following requirements, by condition:
 - modification or omission at the upper levels would be acceptable to the applicant should the upper levels be deemed excessive.
 - Substitution of the large vertical window with central spandrel panel in the rear extension with two smaller, four over four windows at each level.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues central to the determination of a decision are considered below under the following sub-categories,

- Refurbishment and upgrade works to interior and exterior house.
- Front boundary treatment.
- Services
- New Build – rear extensions.

7.2. Refurbishment and upgrade works to interior and exterior house.

7.2.1. As indicated in the applicant's submissions which include photographs and as noted during the walk-through inspection, the entire house had been stripped out of the partitions, fixtures and fittings facilitating the subdivision into fourteen separate dwelling units and the interior has been returned to the original planform. Significant original fabric is intact and in good condition to include doors, doorcases, flooring, staircase and banisters, window frames and shuttering, most the original sash windows, staircases and banisters and plasterwork comprising decorative coving and ceiling roses. At lower level, opes are boarded up at the front and rear and it was not fully established if the original opes have at any stage been altered.

7.2.2. While the proposed refurbishment and upgrade is welcome and consistent with the principles and policy objectives for architectural heritage protection in the city there is lack of clarity and detail in the documentation available with the application as to details of proposals for retention of historic fabric within the development. A record indicating condition and the applicant's proposals for the joinery and plasterwork is considered necessary. If the development proposal is to be favourably considered, it is recommended that these details be sought from the applicant by way of preparation and submission of a method statement incorporating an architectural heritage impact statement for consideration, ideally in advance of determination of the decision. If permitted, it would be necessary for the development to be implemented under the direction of an architect with specialist expertise in historic building conservation. A condition can be included to this effect.

7.3. Front boundary treatment.

7.3.1. With regard to the works to the front curtilage and boundary treatment, the proposed hard and soft landscaping and separate gravelled surface for carparking is acceptable. The front boundary which provides for retention of the existing gate pier, cast iron railings on a plinth and cast iron vehicular entrance and pedestrian entrance gates. These proposals are considered acceptable subject to use of black finish for the railings, omission of the pedestrian gate to simplify the frontage boundary treatment and allow for a greater and more appropriately proportioned length of iron railing on the frontage and use of granite plinths. A pedestrian gate is considered an inessential requirement. It is agreed with the conservation officer that full detailing of materials and finishes are not available and should be clarified. This matter can be addressed by compliance with a condition and subject to a satisfactory compliance agreement it considered that the proposed development would be compatible with the protection and preservation of the established street frontage.

7.4. **Services**

7.4.1. With regard to the survey and record on existing servicing throughout the building, the details in the submissions of the applicant, including the photographic record are insufficient to facilitate a comprehensive assessment of impact. It is appreciated that due to the multiple occupancy, (in fourteen independent dwelling units) there are extensive service runs and separate connections throughout the building needing removal, replacement and upgrading to facilitate the proposed use as a single dwelling unit, at contemporary standards. However, as there is insufficient information it can be ensured that the works involved in removal and in new servicing can be implemented without adverse and potentially irreversible impact on historic fabric.

7.4.2. To this end, should the proposed development otherwise be considered acceptable, it is recommended that that matter be addressed by appointment of way of a building services engineering consultant with specialist expertise in servicing of historic buildings. It is considered that at the minimum, such a requirement is essential to provide for assurance and clarity with this element of the proposed refurbishment works. This could be addressed by compliance with a condition.

7.5. **New Build – rear extensions.**

- 7.6. With regard to the proposed extensions at the rear, it should be borne in mind that the current proposal is subject to *de novo* consideration although the prior, expired grant of permission for extensions to the rear, is acknowledged. The larger footprint for the permitted development for a rear extension at No 36 Waterloo Road has also be noted but it should also be borne in mind that the proposed development should be considered in entirety and on its own merits. (P. A. Reg. Ref. 2148/14 refers.)
- 7.6.1. It is agreed that the proposed design included with the original application is unacceptable having regard to the concerns and recommendations indicated in the original Conservation Officer report which are supported. It is also agreed that the revised proposal provided in the further information submission does not overcome these concerns. It is agreed that the proposed stepped format which includes side elevation dormer type element extending above the eaves in the side elevation and a large rear elevation window are unacceptable due to their incongruous characteristics and incompatibility with the established form and features of the existing and adjoining historic buildings, all of which are included on the record of structures.
- 7.6.2. It is considered that a satisfactory resolution can be achieved by way of the following amendments:
- omission of the side elevation dormer style element with the upper first floor level side projection set back so that the top-level form, roof profile and eaves are retained within the 3089 mm width which is similar to that of the adjoining dwelling in the pair of houses.
 - a setback of the upper ground floor side elevation projection so that the form at this level, inclusive of the side projection is confined to a maximum of four metres in width. and achieves and preserves symmetry. There should be capacity with these amendments in place, to accept the wider footprint and projection to the side roof profile to the side over the wider, lower ground floor sunroom accommodation without undue adverse impact on the integrity and characteristics of the house and its symmetry with the adjoining house to the west side in rear profile and the context of the houses in the immediate environs having regard to the protected structure status.

- Replacement of the proposed double height rear elevation window with two no two over two sash windows 100 x 100 similar to the rear elevation window shown on the lodged plans at upper ground floor level. Daylight and sunlight access at this level would be supplemented by the two rooflights proposed for the west roof slope.

7.6.3. It is acknowledged that these recommended amendments would result in significant reduction and alteration to the original proposal shown in the further information submission but it still provides scope for some additional internal habitable accommodation to the dwelling.

7.6.4. In addition, it is considered essential that the entire project, if permitted be implemented under the direction of an architect with specialist expertise in historic building conservation. The appointee, under whose direction the project is to be implemented should be required to prepare a method statement incorporating an architectural heritage impact statement for submission for written agreement with the planning authority, and who prior to the commencement of the development.

7.6.5. Finally, it is noted that two separate kitchen and dining spaces are provided for in the internal layout for the proposed development. In the event of possible future proposals for use of the dwelling as two independent dwelling units, a further application can be lodged as the current proposal, if permitted and implemented is for use as a single dwelling unit.

7.7. **Appropriate Assessment.**

Having regard to limited scale and nature of the proposed development, no Appropriate Assessment issues proposed development would not 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. In conclusion, it is considered that in principle the proposed development would be welcome and positive overall from the perspective of the interests of architectural heritage and should be encouraged. However, the details available with the

applicant's submissions are not fully sufficient to facilitate a fully comprehensive assessment. Fully comprehensive survey and method statement details on the proposed works to the existing fabric, existing and proposed servicing and the new build and an architectural heritage impact assessment are not available for consideration.

- 8.2. Modifications by way of amendment to the design and form for the new build are also considered essential as discussed. The amendments recommended result in a reduced size rear extension and omission of a pedestrian gate. It is recommended that the applicant be requested by way of a section 131 notification to submit further information and proposals addressing these issues prior to determination of a decision. However, draft Reasons and Considerations supporting a decision to grant permission and draft conditions which include conditions with requirements for compliance submissions and amendments to the design are set out below.

9.0 Reasons and Considerations

- 9.1. It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the historic fabric, integrity, character of the existing building, the visual amenities and setting of the existing and adjoining buildings on Waterloo Road which are included on the record of protected structures. The proposed development would 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 application as amended by the further plans and particulars lodged with the planning authority on 1st December, 2017 except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed.

Reason: In the interest of clarity.

2. The following amendments shall be made to the proposed rear extension:
- The side elevation dormer style element shall be omitted and the upper first floor level side projection shall be set back so that the top-level form, roof profile and eaves are retained within the 3089 mm width which is similar to that of the adjoining dwelling in the pair of houses.
 - The upper ground floor side elevation projection shall be setback so that the form at this level, inclusive of the side projection is confined to a maximum of four metres in width.
 - The double height rear elevation window shall be omitted and substituted with two no two over two sash windows 100 x 100 similar to the rear elevation window shown on the lodged plans at upper ground floor level.

Reason: To protect the integrity, character and visual amenities of the existing, adjoining and surrounding houses on Waterloo Road which are included on the record of protected structures.

3. The pedestrian gate shall be omitted and the railings and plinth shall be extended as far as the pier for the proposed vehicular entrance. The existing plinth wall and cast-iron railings shall be retained and supplemented by appropriate fabric. Prior to the commencement of the development, the applicant shall submit and agree in writing full details to include section and elevation drawings at a minimum scale of 1:100 for materials, dimensions and colours for the gates, railings and plinth with the planning authority.

Reason: To protect the integrity, character and visual amenities of the house and the surrounding houses within the Waterloo Road streetscape which are included on the record of protected structures.

4. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005 and who, prior to the commencement of the development, shall prepare and method statement and architectural heritage impact statement to be submitted and agreed in

writing with the planning authority prior to the commencement of the development.

Reason: In the interest of clarity to ensure appropriate building conservation practice and the protection of historic fabric and, the integrity of the existing building which is included on the record of protected structures.

5. The house shall be occupied as a single dwelling unit only.

Reason: In the interest of clarity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

8. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Jane Dennehy
Senior Planning Inspector.
29th May, 2018.