



An
Bord
Pleanála

Inspector's Report ABP-301073-18

Development

PROTECTED STRUCTURE:

Demolition of existing outhouses and the erection of a two storey double garage with a pitched roof non-habitable utility room above fronting onto the laneway at the rear of 89 Anglesea Road, Dublin 4, a protected structure.

Location

89, Anglesea Road, Ballsbridge, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4475/17

Applicant(s)

Anthony & Natalia O'Carroll

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First / Third Party

Appellant(s)

Keith & Elizabeth MacDonald

Observer(s)

Andrew & Eileen Comer

Date of Site Inspection

06/06/2018

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the western side of Anglesea Road and comprises a two storey over basement dwelling to the front (east) and two single storey storage sheds to the rear, accessed via a vehicular entrance off the lane. No. 89 Anglesea is a protected structure.
- 1.1.2. The laneway running to the rear of Anglesea Road provides vehicular access to the rear of the properties. The two corner properties (rear of no. 95 and no. 97) have been developed into residential units.

2.0 Proposed Development

- 2.1. On the 8th of December 2017, permission was sought to demolition the two single storey outhouses (32sq.m.) and the construction of a two storey garage (106sq.m.) with a family room at first floor level.
- 2.2. The application was accompanied by a Conservation Report. The report states that planning permission was granted in 2001 for a similar building (Planning Authority reg. ref. 1078/01 refers). The proposed garage is to be of traditional design and materials to respect the surrounding context. The report states that the laneway has been developed over the years with various garages and mews types dwellings, many of which have pitched gable roofs facing the laneway. The report states that while the main dwelling was constructed mid C19th, the lean-to sheds to be demolished are of modern construction with no intrinsic value. The report included a number of photographs of the proposed development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 9th February 2018, Dublin City Council issued a notification of intention to GRANT permission subject to 8 no. conditions. Conditions of note:
 - 2: construction hours
 - 5: works to be undertaken under a Conservation Architect or expert
 - 6: First floor window on side elevation to be omitted.

3.2. **Planning Authority Reports**

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Roads Streets and Traffic Department:** No objection subject to 4 no. conditions.
- 3.2.3. **Conservation Officer:** No review of the file was undertaken.
- 3.2.4. **Planning Report:** Proposed development is modest in scale, adequate details were provided. Proposed finishes are acceptable. Proposed window facing site to south could cause overlooking and should be omitted by condition. Recommendation to grant.

3.3. **Third Party Observations**

- 3.3.1. A number of submissions to the Planning Authority raised the following concerns: use of first floor as living accommodation, traffic access on the lane, the impact of the proposed development on the drainage in the lane, impact of the proposed development on the protected structures and lack of clarity with regard to the drawings.

4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **1078/01**: Planning permission was granted for the demolition of existing garden sheds and the construction of a garage with family room.
- 4.1.2. Planning Authority reg. ref. **4708/06**: Planning permission was granted for the partial demolition of the two storey return and single storey conservatory and construction of a new extension.

5.0 **Policy Context**

- 5.1. **Architectural Heritage Protection – Guidelines for Planning Authorities**
 - 5.1.1. This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principal of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.1.2. With regard to **curtilage**, section 13.3.1 of the guidelines state that features within the curtilage and attendant grounds of a protected structure can make a significant contribution to the character of that structure. The designed landscape associated with a protected structure was often an intrinsic part of the original design concept and, as such, inseparable from the building. Where proposals are made for alterations to a designed landscape, ancillary buildings, structures or features within the curtilage or attendant grounds of a protected structure, a site inspection should be carried out by the planning authority in order properly to understand the potential effects of the proposed development. **Section 13.3.2** states that when assessing the contribution of structures or features within the curtilage or attendant grounds to the character of a protected structure, and when considering any proposals to alter such features, the following should be considered:

- a) What items of interest are there within the present curtilage of the structure?
- b) Was this the original curtilage of the structure or are there likely to be other items of interest that are, or once were, associated with this structure and which now lie beyond its curtilage but within its attendant grounds?
- c) Are there any other items of interest which, while not original, are later additions of merit?
- d) Do any items within the curtilage or attendant grounds affect the character of the main structure and help to define its special interest?
- e) Do any items within the curtilage or attendant grounds affect the character of other structures? For example, boundary walls, railings, gates and gardens can contribute to the character of other protected structures or to the character of an ACA;
- f) How are the boundaries of the site enclosed or demarcated? Are there walls, railings, fences, ditches or ha-has, gates or gate piers?
- g) Are there other buildings within the curtilage or attendant grounds? Were these other structures connected with the previous use or enjoyment of the protected structure? For example, with a country house there may be such structures as outbuildings, coach-houses, stables, icehouses, dovecotes, follies, gate-lodges and others;
- h) Are there features of interest within the curtilage or attendant grounds connected with the use or enjoyment of the protected structure? For example, a mill may

have associated features such as a mill-race, a mill-pond, a tail-race, sluice-gates, weirs, dams, and drying greens;

- i) Are there designed landscape features within the curtilage or attendant grounds connected with the protected structure or its ancillary buildings? These may include ornamental planting, earth works, avenues, gardens, ponds, woodlands or other plantations;
- j) Are there any items or structures within the curtilage which detract from the character of the protected structure? These might include, for example, later structures or planting which mar views of the structure or its relationship with other, more important, structures within the curtilage or attendant grounds. Does the opportunity exist to reverse any adverse impacts?

5.2. Dublin City Development Plan 2016 – 2022

5.2.1. The subject site is located in an area zoned Z2, which has the stated objective “To protect and / or improve the amenities of residential conservation areas.”

5.2.2. Policies of note in the development plan include:

CHC1: It is the Policy of Dublin City Council to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC2: To ensure that the special interest of protected structures is protected Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest
- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- (f) Have regard to ecological considerations for example,

protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

- 5.2.3. Appendix 24 of the development plan refers to Protected Structures and Conservation Areas. In relation to residential parking in the curtilage of protected structures, section 24.4 notes the importance of boundary walls, railings and trees.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The residents of no. 87 Anglesea Road appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- The appellants would not object to a single storey garage if the nature and extent of the garage was evidenced by clear architectural drawings.
- The proposed 7m high structure will intrude on the appellants privacy.
- Given that the proposed development involves a protected structure, professional architectural drawings should be required. There is no clarity as to the details of the proposal. Some of the dimensions are approximate or have been omitted.
- Details of guttering or other means of addressing rainwater are missing. If no provision is made, rainwater will fall onto the appellants property. As the area has been flooded twice in the last 35 years, this is not acceptable.
- The pitch of the roof is not specified. The proposed 7m structure will block sunlight. A Shadow study should have been included. The application fails to meet the standards required of a protected structure and should be refused permission.
- While the side elevation window is to be omitted, the proposed front elevation window at 5m from ground level would allow overlooking of the adjoining gardens and homes.
- There are existing issues with drainage in the area. The Planning Authority's condition requiring compliance with the Code of Practice cannot be satisfied. As details are not clear, other unforeseen consequences could arise.

- A two storey structure would create an unfortunate precedent which would ultimately undermine the residential integrity of the area. The residential status of the houses is under pressure from surrounding commercial developments.
- The protected structure designation should apply to the site as a whole and not just the dwelling.
- The Conservation Report is not accurate – the only development on the laneway is a 150 year old house to the rear of no. 95 and a contemporary dwelling Burren House built in 2005.
- The laneway is too narrow for emergency vehicles. Development should be restricted to ground level only.
- The Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. The grounds of the applicants response to the third party appeal can be summarised as follows:

- “No Parking” signs were erected as the access gates were being blocked by trades carrying out works at no. 93.
- The site notice was removed on three occasions.
- The shed attached to the party wall with no. 87 was structurally unstable and removed to protect the neighbours property and boundary wall. The appellants photos show the modern concrete blocks used on the shed.
- The joint with no. 91 has been retained and there is no interference with the existing mews / garage roof.
- The widening of the rear opening would facilitate vehicular turning in the laneway.
- There will be no overhanging of the adjoining properties. All rain / surface water will be contained in the property.
- The proposed pitched roof will negate overshadowing of the adjoining gardens.
- The single window illuminates the staircase so no overlooking will occur.

- The side window overlooks the neighbouring roof only.
- The applicant intends to return to live in the property. It is rented until that return.
- A full site investigation will be undertaken before development commences.
- The proposed development will not be an independent dwelling.

6.3. **Planning Authority Response**

6.3.1. None on file.

6.4. **Observations**

6.4.1. Andrew & Eileen Comer, Blakeney Cottage, Anglesea Road

- Two storey garage is 7m in height, in the middle of 8 no. single storey garages on protected structures.
- The drawings are ambiguous, appear photoshopped and provide no detail.
- The drainage for the 200 year old Cottage is fragile and would be damaged by the loading of the two storey garage. A single storey garage should suffice.
- It is not possible to construct a two storey structure without overlooking.
- This is the third planning application for this rented property.
- The Board is requested to approve only a suitable garage.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions on file. I am satisfied that the single issues is as follows:

7.2. **Principle of Development**

7.2.1. The proposed two storey structure, while greater in height than the surrounding single storey structures, is modest in scale. The proposed pitched roof reduces the bulk and mass of the proposed garage. The elevation addressing the laneway appears that of a small structure, ancillary to the use of the main dwelling as a

residential property. The proposed roller shutter door lends visual credence to the non-residential use of the property.

- 7.2.2. The proposed first floor window on the eastern elevation (illuminating the stair well) could overlook the rear garden of the adjoining dwellings. Should the Board decide to grant permission, the proposed window should be omitted by way of condition and replaced with a rooflight. Likewise the window in the southern elevation would overlook the rear garden of no. 91 Anglesea Road and should be omitted by way of condition and replaced with rooflights if required.
- 7.2.3. I note the third party concerns regarding the fragility of the drainage system serving this area. The Board will note however that the Drainage Division of DCC did not object to the proposal. Given that no sanitary facilities are proposed, this report is reasonable.
- 7.2.4. The hand-drawn nature of the application drawings whilst uncommon, does not invalidate the application. The scale and extent of the proposed development is clear and is sufficient to allow a full and comprehensive assessment of the proposed development.
- 7.2.5. I am satisfied that the existing lean-to sheds have no conservation merit and the context and setting of the protected structure will not be compromised or harmed. I am satisfied that the scale of the proposed two storey garage with family room is in accordance with policy CHC2 of the development plan. Should the Board decide to grant permission, a condition requiring the input of a conservation expert should be attached.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend permission be GRANTED subject to the following conditions

10.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity and the nature, scale and design of the proposed residential building, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, would not unduly detract from the setting of neighbouring protected structures or the wider Conservation Area, would represent an appropriate form of residential development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed first floor windows on the east and south elevation shall be omitted and replaced with rooflights.

Reason: To protect the residential amenity of the adjoining properties.

3. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 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: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

9. 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.

Gillian Kane
Senior Planning Inspector

13 June 2018