



An  
Bord  
Pleanála

## Inspector's Report ABP-301327-18

### Development

#### PROTECTED STRUCTURE:

Permission is sought for works to a protected structure consisting of: a) Demolition of 3 no. existing outbuildings; b) New 2-storey extension to north and west of existing dwelling; c) New single-storey extension to south of existing dwelling. d) Internal and external modifications to existing dwelling

### Location

36, Rathgar Avenue, Rathgar, Dublin 6 (corner site with Rathgar Villas Road)

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

2082/18

### Applicant(s)

Aoife & David Fitzpatrick

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

**Appellant(s)**

Philip O'Reilly

**Observer(s)**

Rathgar Residents Association

**Date of Site Inspection**

13<sup>th</sup> July 2018

**Inspector**

Ronan O'Connor

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	7
6.3. Planning Authority Response .....	8
6.4. Observations .....	8
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	11

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the junction of Rathgar Road and Rathgar Villas. On site is a detached two-storey period dwelling with a substantial rear garden. The building is a Protected Structure.
- 1.2. To the west of the appeal site is a housing development, Rathgar Villas.

## **2.0 Proposed Development**

- 2.1. PROTECTED STRUCTURE: Permission is sought for works to a protected structure consisting of: a) Demolition of 3 no. existing outbuildings; b) New 2-storey extension to north and west of existing dwelling; c) New single-storey extension to south of existing dwelling. d) Internal and external modifications to existing dwelling

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission with conditions. There are no conditions of note.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Demolition of the out houses is considered acceptable.
- Restoration of the property is to be welcomed.
- Design is contemporary in nature and is acceptable.
- Does not detract from the character or residential amenities of adjoining properties.
- Recommendation is to grant permission.

### 3.2.2. Other Technical Reports

Drainage: No objection.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. Two no. observations were received. The issues raised are covered in the Grounds of Appeal.

## 4.0 Planning History

4.1.1. None.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022.

The site is located in an area that is zoned Objective Z2 (To protect and improve the amenities of residential conservation areas) under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Section 16.2.1 Design Principles.
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.

- Appendix 17 of the Plan provides guidance on residential extensions.

5.1.1. The following Section 28 Ministerial Guidelines is of relevance to the proposed development.

- 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

## 5.2. **Natural Heritage Designations**

5.2.1. None.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The Grounds of Appeal, as submitted by the Third Party Appellant, are as follows:

- No. 36 Rathgar Avenue is a most unique detached villa type mid Victorian House.
- Frames the view looking west on the south side of Kenilworth Square and is the most striking and unique on Rathgar Avenue.
- The fact that it is a listed building underlines the importance of this structure.
- Original features intact after 150 years.
- Also situated in a Z2 Residential Conservation Area.
- Inappropriate interventions can be reversed.
- Also has a unique rear elevation – features two return wings each with a gable supporting a chimney.
- Any changes should be sympathetic to the established design and character of the original structure.
- North side is visible from Rathgar Avenue/Rear and side is visible from Rathgar Villas.
- Extension should tie in with the existing returns/should have a matching pitched roof/should be of stone construction with rendered elevations/windows should be of a portrait type.

- Materials of proposed extension will not sit or blend acceptable with the original structure/will protrude north of the north side of the house/will be clearly visible from the front.
- Shows a total disregard for the unique characteristics of the building.
- House is a highly visible focal point.
- Proposal would seriously demean and seriously detract from the character and setting of this protected structure and should not be permitted.

## 6.2. Applicant Response

6.2.1. The First Party response to the Third Party Grounds of Appeal is summarised as follows:

- Clear from the Third Party Appeal that the appellant does not have an issue with the principle of an extension.
- Appeal suggests that they favour an entirely different approach in terms of forms, materials and composition.
- The DoCHG Guidelines on Architectural Heritage are clear on the matter of pastiche – should not attempt to hide new additions or extensions.
- Extension as proposed, provides a discrete structure which has deliberately sought to defer to the existing architecture and make it clear what is new and what is historic.
- Suggestion that a pitched roof should be constructed is inappropriate – would disturb the dominant form of the main roof and would require an unnecessary amount of fabric removal.
- Other suggestions are also contrary to guidance.
- No basis for appellant's assertions that proposal would detract from the character and setting of the Protected Structure.
- Appellant's arguments have no basis in any guidance, planning policy or legislations and represent personal taste.

- Appeal has failed to make any reference at all to the comprehensive assessment submitted with the application nor to the planner's report.
- Appeal should be dismissed as vexatious.

### 6.3. **Planning Authority Response**

6.3.1. None.

### 6.4. **Observations**

6.4.1. An observation has been received from the Rathgar Resident's Association. The issues raised are covered in the grounds of appeal.

### 6.5. **Further Responses**

6.5.1. None.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Conservation
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

### 7.3. **Impact on Protected Structures and the Residential Conservation Area.**



- 7.3.1. The Third Party Appellant, and the observers on the appeal, contend that the extension will not blend in with the original structure and would seriously demean and seriously detract from the character and setting of this protected structure and should not be permitted. A revised approach is recommended including that the extension should match the existing returns and that it should have a matching pitched roof. In relation to materials it should be of stone construction with rendered elevations. In addition, it is suggested that the windows should be of a portrait type to match existing.
- 7.3.2. The applicant contends that such a pastiche approach is contrary to guidance within the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011) and that, furthermore, such an approach would mean additional removal of the original built fabric. It is further argued that the appellant's objections have no basis in any guidance, planning policy or legislations and represent personal taste.
- 7.3.3. A report entitled 'Report on the Architectural/Historic Significance of Eagle Lodge, No. 36 Rathgar Avenue, Dublin 6 & Observations on the Impact of the Proposed Works' was submitted with the application and I have had regard to same.
- 7.3.4. It is my view that the approach taken by the applicant, a contemporary style with contrasting materials, that is clearly distinguishable from the original structure, is the correct approach, having regard to conservation policy, specifically the Architectural Heritage Protection Guidelines. Within this document it is noted that generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric and that the architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.
- 7.3.5. As such, a contemporary approach that is clearly a new addition to the existing building is an acceptable one, having regard to conservation policy. The scale of the proposal, while relatively large, is still subservient to the existing dwelling. The main interventions to the existing fabric are to the rear to facilitate the two-storey and single storey additions but also to provide improved access to the rear garden.

These interventions are sympathetic, in my view, and it is clear that significant efforts have been made to minimise loss of fabric or original features of the building.

- 7.3.6. The extension will be visible from Rathgar Avenue and to the north-east of the site, from Rathgar Villas. However, given the considerations above, I do not consider that the proposal would have a negative impact on the streetscape, the character of the conservation area nor have an adverse impact on the visual amenity of the area.
- 7.3.7. In relation to the internal alterations, these are relatively minor in nature and there is no significant loss of original fabric. A number of the original features such as the timber skirting, architraves and spindles to the staircases balustrade, decorative plaster cornices and sash windows are to be reinstated, which is to be welcomed.
- 7.3.8. There is no objection to the demolition of the outhouses as these are in a very poor state of report, and of poor build quality, and do not contribute to the character of the main Protected Structure.

#### **7.4. Other Issues**

- 7.4.1. In relation to residential amenity, I do not consider that any adverse impacts will result, having regard to the nature and scale of the proposed extensions, and to the relationship of the subject building and extensions to the adjoining residential property.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, extensions to an existing property, within a serviced 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. Grant permission.

## 9.0 Reasons and Considerations

Having regard to the design, appearance of the proposed extensions, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the development proposed would not adversely impact on the Protected Structure on the appeal site, would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the Residential Conservation Area. The proposed development, therefore, 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 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. a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and

decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

**Reason:** To ensure that the integrity of the Protected Structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

3. 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.

4. 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.

---

Rónán O'Connor  
Planning Inspector

25<sup>th</sup> July 2018