



An  
Bord  
Pleanála

## Inspector's Report ABB 301569-18.

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<b>Development</b>	Change of Use from residential to office use, Demolition and repair and modification works and, Construction of a three-storey rear extension.
<b>Location</b>	No 7 Adelaide Road, Dublin 2. (Protected Structure.)
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	4127/17
<b>Applicant</b>	M and G Developments Ltd.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission
<b>Appeal</b>	First Party X Refusal
<b>Appellant</b>	M and G Developments Ltd.
<b>Observer (1)</b>	Transportation Infrastructure Ireland.
<b>Observer (2)</b>	Charlotte Woods and Kevin Sheridan
<b>Date of Site Inspection</b>	13 <sup>th</sup> August, 2018
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 300 square metres and is a corner site at the western end of terrace of eighteen houses on the south side of Adelaide Road and east side of Peter Place along which a section of the LUAS Green line track between is located. The existing structure on the site is a fire damaged, derelict three storey over basement early nineteenth century house with a double ridge roof, a rear return element formerly set behind a front garden with gates and railings and rear gardens to the rear. The existing rear side boundary wall with the adjoining property is substantially intact.
- 1.2. No 7 Adelaide Road is now included on the Derelict Sites Register at Dublin City Council. It is understood that the building was formerly subdivided into thirteen apartments but was seriously damaged by fire several years ago.
- 1.3. At the rear of the house there is vacant space to the south side of which shed type structures structures. To the south and east of this area there is cluster of two storey houses. On the west side of Peter's Place there are contemporary commercial buildings.
- 1.4. Adelaide Road and the immediate environs is characterised primarily by nineteenth and twentieth century buildings now primarily in commercial use but there is some residential development and there is some relevantly recently constructed commercial development.

## 2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals at the existing building for:
  - Change of use from residential use to office use,
  - Demolition of the two storey return element, partial demolition of the rear wall, partial demolition of gable end,
  - restoration and repair to brick work, roof, windows and doors,
  - internal and external modifications facilitating change of use
  - a disabled access to the front.

- 2.1.2. The application lodged with the planning authority also indicates proposals a three storey over basement extension in contemporary glazing for office use and with a glazed link to the original structure at the rear of the existing building with a pedestrian entrance of Peter Place. Also included are proposals for boundary treatment to include reinstatement of railings, landscaping and site and engineering works.
- 2.1.3. The application is accompanied by a 'Planning Statement', Conservation report and architectural Heritage Impact Statement, Services Design detail and specification, and accompanying engineers report on the structure.
- 2.1.4. Included with the **further information** submission lodged on 12<sup>th</sup> March 2018 in response to the additional information request of 15<sup>th</sup> December, 2017, are:
- A statement, accompanied by a conservation assessment and a report by Digital Dimensions indicating that that applicant considers the original design, scale and massing appropriate for the location; that the extent of the original proposal is essential to the viability of the project and that a reduction from three to two storeys for the extension would render the project unviable. However, the submission includes an alternative design option, (Option 2) which provides for a setback from the eastern side boundary of the site for consideration if the initial proposal is not accepted. Also included is a sunlight and daylight analysis for Designs Option 1 and 2. (The original design option is referred to as "Option 1".)
  - A statement that omission of the basement to the extension which would also render the project unviable is unnecessary given that the existing and adjoining houses to the east in terrace have basement levels, because all building fabric will be protected during construction and that there is no potential adverse impact if investigation and mitigation measures are fully implemented, as specified in a supporting statement by Conor Furey and Associates (structural engineers) included in the submission.
  - Submission of a fully detailed conservation method statement for the project (prepared by an accredited conservation architect) and detailed drawings of the proposed repair and maintenance works and the proposed junction between the existing and proposed structures.

- Calculations for site coverage and plot ratio of the existing and proposed structures exclusive of the areas of the existing and proposed basements for the original proposal (Option 1 – site coverage 59% and plot ratio 1.8) and revised proposal (Option 2 – site coverage 54% and plot ratio 1.67) which provides for a setback from the east boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 11<sup>th</sup> April, 2018 the planning authority decided to refuse permission based on the reason reproduced in full below:

*“No 8 (stet) Adelaide Road forms part of a terrace of Protected Structure and is located in a Georgian Conservation area governed by the zoning objective ‘Z8’ which seeks to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective. The proposed development incorporating a new 3 storey over basement extension would have an overly dominant relationship with the protected structure, adversely affecting its architectural character and overall amenity and setting and would have resultant adverse overbearing impact on the amenity and setting of the adjoining protected structure. The proposal thereby would be contrary to Policy CHC2 and Section 11,1,5,3 of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### Planning Reports

- 3.2.1. The planning officer having considered the original and further information submissions and the recommendation within the internal technical reports and those of Transportation Infrastructure Ireland, (TII) indicated a recommendation for refusal of permission based on the reason directly quoted in full above.

### 3.2.2. **Other Technical Reports**

- 3.2.3. The Conservation Officer in the report dated 30<sup>th</sup> November, 2017 on the original application indicated recommendations for additional information to be requested, particularly in relation to the extent and nature of works, including a method statement proposed for the existing structure following comprehensive commentary on the existing and proposed development.
- 3.2.4. The Conservation Officer in the supplementary report, dated, 11<sup>th</sup> April, 2018 includes a review of the original and further information submissions on which comprehensive comments and recommendations are made in the initial report of the conservation officer, indicated a recommendation for refusal of permission. The reasoning relates to the view that the three storey over basement extension would have an overwhelming and significant adverse impact on the character of the existing building and adjoining buildings which she states is demonstrated in the submitted 3 D views, the buildings being included on the record of protected structures. However, she acknowledges the conservation method statement which she states includes some of the sought additional information and the benefit to the existing building of the proposed repair refurbishment of and re-use of the existing building.
- 3.2.5. The **Roads and Transportation** Department report dated 6th December, 2017 indicates recommendations for conditions to be attached which include provision for cycle parking and preparation and submission of a construction management plan for agreement with the planning authority, following appointment of a contractor.
- 3.2.6. The report of the **Waste Management Division** indicates that the proposed construction and demolition must be in accordance with the requirements of, *Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects* (DOECLG (2006) and, *Waste Management Standards for Commercial and Industrial Developments*. as provided for in the *Waste Management (Food Waste) Regulations, 2009 (SI 508/2009)* and several specific additional requirements.
- 3.2.7. The report of the **Waste Management Division** indicates no objection subject to inclusion of standard conditions.

### 3.3. Prescribed Bodies

- 3.3.1. According to the submission received on 28<sup>th</sup> November 2017, the LUAS Green Line OCS and track bed structures are close to the existing structure. The submitted demolition plan is considered deficient and, it is stated that the issues concerned cannot be addressed at a post planning stage in the interests of ensuring no adverse impact on the safe and efficient operation of the LUAS service during construction. A revised demolition plan is considered essential and it should identify and address all interfaces to the alignment, risk assessment and mitigation for unacceptably high risk along with resolution of all issues in the context of the existing LUAS infrastructure. A list of fully detailed requirements is provided in the submission.
- 3.3.2. In addition, as the site is within the area of the Section 49 development contributions scheme for the St Stephen's Green – Broombridge section of the LUAS Green line, attachment of a condition with a requirement for payment of a section 49 development contribution is requested, unless the development is exempt.

### 3.4. Third Party Observations

- 3.4.1. An Observer submission was received from Charlotte Sheridan and Kevin Woods of No 10 Adelaide Road indicating support in principle for the proposed development particularly from the perspective of regeneration need. They consider that residential development on the site is inappropriate because residential amenity is at issue in that it is adjacent to the LUAS track. However, it is also requested that modifications, to include omission of the third floor of the proposed extension and that an increased setback from the east side boundary be required. This party has also submitted an observation on the appeal.

## 4.0 Planning History

- 4.1. According to details available, the site has no recent planning history the following planning history:

**P.A. Reg. Ref 1984/05:** Permission was granted for refurbishment and alterations and conversion from thirteen to eight apartments and a two storey over basement extension to the rear with four apartments and a roof terrace. The application

included proposals for replacement of aluminium windows with timber sash and case windows.

**P.A. Reg. Ref 0309/03:** Permission was refused for conversion of a guesthouse/multiple let units to a hotel with a three storey and attic over basement extension (with existing extensions demolished,) a raised roof with dormer and Velux window and attic rooms internal modifications and gable end windows.

## 5.0 Policy Context

### Development Plan

5.1.1. The operative development plan is the Dublin City Development Plan 2016-2022 according to which the site comes within an area subject to the zoning objective Z8: (Georgian Conservation Areas:)” *to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective.*” According to section 14.8.8. it is the aim to encourage more residential development in the Southern Georgian core and to allow office development in Georgian Conservation Areas if they do not impact negatively on architectural character and settings of the area or in over-concentration of office development.

- The location is also within the “National Concert Hall Quarter Strategic Development and Regeneration Area (SDRA) the objective of which is to develop cultural commercial and residential quarter in its own character and identity and with an urban scale and grain design and a quality commercial space for a contemporary city.
- No 7 Adelaide Road and each of the adjoining structures in a terrace of eight to the east of the appeal site are included on the record of protected structures.
- Section 11.1.5.3 provides for policies and guidance on conservation practice in respect of proposed works to protected structures. Policy Objective CHC2 provides a policy for the protection of the special interest, conservation and enhancement and integrity of protected structures. Several itemised criteria are specified under subsections (a) – (f)



- Similarly, in section 11.1.5.4 provides for policies and guidance for development in architectural conservation areas and conservation areas. Policy Objective CHC4 provides a policy for the protection of the special interest and character of Dublin's Conservation Areas provided for in section 1.11.5.4. Developments within or affecting them are required to contribute positively to their character and distinctiveness and setting.
- Section 16. 10.15 discourages underground and basement development at, or, in vicinity of protected structures and, in conservation areas and excludes consideration of proposals for basement level development in as in area below the flood levels for designated Flood Zones 'A' or 'B' areas.

## **6.0 The Appeal**

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

6.1.1. An appeal was received from Downey Planning on behalf of the applicant on 8<sup>th</sup> May, 2018. According to the appeal:

- The proposed development renews a fire damaged, derelict protected structure so it is a positive contribution to the built environment and streetscape. The contemporary rear extension ensures the respect for the historic character of the existing buildings and reads as subservient and in a separate form with the glass element adding to the character of the area although not visible from the frontage on Adelaide Road.
- With regard to the alternative design, (Option 2) included in the further information submission, it is stated that, Option 1 the original design proposal for the three-storey extension is the preferred option of the applicant. It is the most appropriate extension, having regard to the LUAS line proximity and the surroundings. (Option 2 provides for a setback from the boundary with No 8 and associated screen planting and new elevation treatment.)
- There is a considerable financial commitment in terms of investment involved along with significant levies being payable owing to the dereliction. (Costings are provided in Appendix 1 attached to the appeal) and reference is made to

the acknowledgement of the financial cost in the Conservation Officer and Planning Officer reports.

- With regard to consistency with Policy CHC2 and Section 11.1.5.3 of the CDP it is submitted that:
  - The highest standards, of craftsmanship possible and fabric retention and, use of quality of materials involved and, the advice of the conservation architect accords with Policy CHC2 and Section 11.1.5.3 of the CDP and good conservation practice. In addition, in accordance with section 11.1.5.3 of the CDP the setting and curtilage will not be adversely affected by the proposed contemporary glass extension and, the front curtilage will be restored with the landscaping of the garden and installation of iron railings on the front boundary with a low hedge.
  - The strong and appropriate form of extension for the corner site and sensitive location creates a vibrant active elevation on Peter Place. Conservation enhancement and renewal as an office development in the proposal will make a positive contribution to the conservation of the structure and the built environment in accordance with Policy CHC 2 and Section 11.1.5.3
- It is also submitted that:
  - It is pointed out in the report of the conservation architect provided with the application that almost no internal joinery dating from the nineteenth century survived the fire damage and that what remains is severely damaged.
  - The intention of the proposed development is to restore the protected structure so that it responds to the terrace typology and the streetscape and addresses the poor connectivity with Peter Place.
  - The gable and rear wall were rendered in hard sand and visible plaster which is badly damaged. These walls can be reinstated in an original brick with original soft fired bricks where possible being salvaged or a suitable alternative being used.

- The preservation and conservation works to the front façade to include retention of brick work sash windows and entrance door way will be in accordance with the Conservation Architect's advice and the front garden will be landscaped with iron railings being located on the front boundary.
- With regard to potential impact on amenity and setting of No 8 Adelaide Road, the adjoining protected structure it is submitted that:
  - Option 1, (he original design proposal) does not adversely affect sunlight and daylight at the adjoining property. It is confirmed in the submitted sunlight and daylight analysis prepared by Digital Dimension. The standards accord with BRE standards set out in its publication, "*Site Layout Planning and Sunlight and Daylight A Guide to Good Practice*," (BRE 2011) The main living areas will retain a VSC of 0.8 times their value resulting in negligible reductions. Windows 2 and 4 to a stair well have reduced requirements for good daylight. The rear garden where there is two hours sunlight on 21<sup>st</sup> March will have no reduction by the proposed development. The reduction overall is negligible.
  - The garden would already be in shadow by another property and this is confirmed in the conservation architect's assessment where it is also submitted that the proposed extension provides privacy for the adjoining residential property. It would only be affected in the later part of the day and there is no reduction in standards.

## 6.2. Applicant Response to Observer Submissions.

- 6.2.1. A submission was received from the applicant's agent on 26<sup>th</sup> July, 2018 which includes a preliminary *Construction and Demolition Management Plan*, and a *Construction and Demolition Waste Management Plan* prepared by Conor Furey Associates.
- 6.2.2. The response to the submission of **Charlotte Sheridan and Kevin Woods** is outlined overleaf:

- The support for the appeal and for redevelopment of the site with outstanding matters being suitable for resolution by condition is acknowledged.
- Omission of the top floor of the extension is not a viable option for the developer, given the cost involved in restoring the original building estimated to exceed €1.5 million.
- With regard to the setback from the east side boundary, an alternative design, (Option 2) was included in the further information submission for consideration in the event that the original, (preferred proposal) was unacceptable. It remains the applicant's contention that Option 1 is the most appropriate form of extension development at the site.
- The applicant would welcome a condition in which materials and finishes are subject to a compliance submission, by condition, which it is noted is the approach supported by the Observer party.

6.2.3. The response to the submission of **Transportation Infrastructure Ireland (TII)** is outlined below:

- The required further information indicated in the report of TII to the planning authority at application stage was not included in a request for additional information issued to the applicant. The applicant would welcome attachment of a condition providing for resolution of these matters in consultation with the TII and the planning authority.
- *A Construction and Demolition Management Plan, and a Construction and Demolition Waste Management Plan* prepared by Conor Furey Associates have now been prepared and are included for consideration in connection with the appeal. It demonstrated in these documents that no adverse impact on the operation and safety of the LUAS Green Line, during construction or operational stages, would occur. It is pointed out that no vehicular access is proposed for the development and no changes are proposed with regard to the active interface between the full extent of the interface between LUAS tram service and the development.
- The development does not include balconies or terraces and openings on the west elevation are inwards so no intrusion into the OCS zone for the LUAS

tram service can occur and no works are proposed for the public footpath adjacent to the west elevation. Landscaping and boundary treatment reinstatement works are confined to the front curtilage of the existing building. It is proposed that lighting specifications can be subject to a compliance submission, by condition attached to a grant of permission.

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

6.3.1. There is no submission from the planning authority on file.

### **6.4. Observations**

Submissions were received from two parties:

**Charlotte Sheridan and Kevin Woods of No 10 Adelaide Road.**

**Transportation Infrastructure Ireland. (TII) (Prescribed Body.)**

6.4.1. The matters raised are stated to be suitable to be addressed by condition.

and they are outlined in brief below:

6.4.2. **Charlotte Sheridan and Kevin Woods of No 10 Adelaide Road.**

Support for the appeal is expressed but it is appreciated that the application and further information submissions are insufficient in detail to address the conservation issues satisfactorily and the impact on the adjoining property at No 8. It is submitted that omission of the top floor of the proposed extension is required along with a setback of the eastern façade by 1-1.5 metres from the eastern boundary. In addition, appropriate improvements to the articulation of the east façade and the materials to be used, brick being suggested to enhance the conservation interest. They consider these measures necessary and request that permission be granted and that these issues of concern be addressed by condition.

6.4.3. **Transportation Infrastructure Ireland. (TII) (Prescribed Body.)**

According to the submission received on 22<sup>nd</sup> May, 2018 the LUAS Green Line and track bed structures are in close to the existing structure. The submitted demolition plan is considered deficient and it cannot be addressed at a post planning stage in the interests of ensuring no adverse impact on the safe and efficient operation of the

LUAS service during construction. A revised demolition plan is considered essential and it should identify and address all interfaces to the alignment, risk assessment and mitigation for unacceptably high risk along with resolution of all issues in the context of the existing LUAS infrastructure. There is a list of fully detailed requirements.

In addition, as the site is within the area of the Section 49 development contributions scheme for the St Stephen's Green – Broombridge Section of the LUAS green line, attachment of a condition with a requirement for payment of a section 49 development contribution is recommended unless the development is exempt.

The contents of this submission are the same as those included in the submission to the planning authority of 30<sup>th</sup> November 2017.

## 7.0 **Assessment**

- 7.1. The decision to refuse permission is based on one overall reason relating to the relationship between the proposed new build, glazed extension at the rear with the existing building, taking into account its inclusion and that of adjoining structures on the record of protected structures and, the location within an area subject to the Z8, (Georgian Conservation Areas:) zoning objective: *“to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective.”* These matters, in conjunction with the proposed incorporation of basement level to the proposed building are considered under the sub-heading; “Scale Mass, Height, Design, Change of Use and Architectural Heritage” below.
- 7.2. Issues have also been raised as to impact on the residential amenities of the adjoining property to the east. This matter is considered below under the sub heading, “Impact on Residential Amenity”
- 7.3. The issues raised in relation to the inter-relationship with the infrastructure for and, operation of the adjoining LUAS Green Line Services are considered under the sub-heading “Impact on LUAS Green Line”.

- 7.4. In addition, consideration is also given to the proposed incorporation of a basement level providing for office accommodation with the proposed extension under “Basement Accommodation”.
- 7.5. Finally, appropriate assessment screening is addressed under “Appropriate Assessment”.
- 7.6. **Scale, Mass, Height, Design, Change of Use and Architectural Heritage.**
- 7.6.1. The proposed works for the existing building which is damaged and derelict providing for restoration and refurbishment enabling to be brought back into use is fully supported, particularly given its inclusion on the record of protected structures, and the very prominent end of terrace location within a Conservation Area subject to the Z8: (Georgian Conservation Areas) zoning objective according to the current CDP.
- 7.6.2. While the survey and building condition assessment for the existing structure is relatively comprehensive, it is considered that the method statement for the proposed works is outline in detail and comments to this end been made in the conservation officer’s report are of note. The existing building is a fine nineteenth century town house, albeit badly damaged, at the end of a terrace in a prominent position which is capable of reinstatement and subsequently making a positive contribution to the historic built environment in conjunction with the surrounding protected structures, the conservation area and to regeneration as provided for in the CDP for the SDRA.
- 7.6.3. The case made on behalf of the applicant as to the restoration and refurbishment costs of the original building involved in the project is acknowledged. However, notwithstanding any contentions that the project would not proceed if omissions are required to render it acceptable, reinstatement of the original building does not justify favourable consideration of an overall development proposal that is unacceptable from the perspective of the interests of built environment and planning standards.
- 7.6.4. The proposed site coverage, stated to be sixty two percent exceeds the indicative site coverage in the CDP for ‘Z8’ zoned lands of fifty per cent and, the stated plot ratio at 2.5 is well in excess of the indicative plot ratio of 1.5 However, as indicated in the report of the planning officer, both the site coverage and plot ratio for the original design option, (Option 1) and the alternative, (Option 2) for consideration in

the event that Option 1 is considered unacceptable are under estimated. It is noted that basement areas in both the existing structure and proposed development which include open plan office accommodation and a 'canteen' having been excluded. Scope for some flexibility in the application of the indicative maximum site coverage and plot ratio as is provided for in the development plan on a case by case basis is reasonable in principle.

- 7.6.5. In this instance, given the architectural heritage designations and the prominence, sensitivity and constraints of the site location, (rather than the occupational capacity having regard to accessibility, services, facilities), it is considered that the proposed extension amounts to overdevelopment. It is excessive in proportion particularly regarding height and mass relative to the existing building in both Design Options 1 and Option 2 proposals in public views from Harcourt Road, on approach along Peter's Place and immediately adjacent to the site. From the south, in its block form, it sits well above the eaves although below the eaves and, there is a long block form at this height along the front west elevation facing Peter's Place which itself is subordinate to Adelaide Road in the hierarchy and primacy of immediate network of streets and lanes.
- 7.6.6. Due to excessive and inappropriate proportions relative to the original building in which there is a vertical emphasis on form and detail, the proposed new build undermines, as opposed to reading as a distinct and supporting complementary structure to the existing structure. The principal structure should retain its primacy and its significance as a feature nineteenth century building at its prominent end of terrace of late Georgian townhouses. It fails to achieve this status within corner site street network with the proposed extension in place and is unacceptable. Nevertheless, the linkage between the two buildings whereby they are readable as separate entities due to the insertion of the glazed link corridor does contribute to some amelioration but does not overcome the significant adverse impact.
- 7.6.7. It is noted that in both design Options, (1 and 2) for the proposed extension is shown with a solid blank rear, south facing elevation. Given the prominent position in public views along Peter Place from the south which is also the route of the LUAS Green Line, it is considered that this elevation is unsatisfactory due to visual intrusiveness because of the scale of relative to that of development to the south and east side in views. Some reconsideration of the design detail of this element is considered



necessary in the event of favourable consideration of the proposed development. However, it appears that the proposed blank elevation may have been selected having regard to the scope for future development potential of the space in which an existing single storey adjoining the southern end of the proposed extension is located at present.

- 7.6.8. In this regard, it is considered that the blank elevation for Option 2 is more acceptable than Option 1 in that the reduced width (allowing for the setback from the eastern site boundary) reduces the blank elevation surface area and is more sympathetic and compatible in the foreground of the existing late Georgian buildings in which vertical emphasis is a strong characteristic and is clearly evident in the rear elevations.
- 7.6.9. The proposed three storey over basement extension as shown in the original application, Option 1 and in the alternative design, Option 2 is excessive in scale, mass and height relative to the existing building. The view of the planning officer that reductions in scale and mass are required as indicated in the planning officer reports is supported. These concerns cannot be overestimated given the sensitivity and prominence of the site location.
- 7.6.10. As provided for in the development plan policy for the Z8 zoned areas, there is primacy in protecting and encouraging residential use in the Georgian Streets and Squares with office development being permissible where they do not negatively impact on the architectural character and setting of the area and over concentration of offices. The current proposal is for change of use out of a multiple occupancy residential use to office use for the existing structure and the intensification of use of the site represented in the proposal for the extension to the rear. In principle, given the transitional nature of the corner site location there is no objection in principle to the proposed change of use being open to consideration having regard to the zoning objective. However, it has been concluded above that the proposed new extension is unacceptable having regard to the relationship with the existing building and the architectural character and setting of the built environment coming within the area subject to the “Z” zoning objective. However, it may be of note that the proposed development may hinder the encouragement of and retention of residential occupancy and use of the houses on Adelaide Road due to significant adverse

impact on the residential amenities of the properties to the east especially the adjoining property at No 8 Adelaide Road as discussed in the following subsection.

## **7.7. Impact on Residential Amenities.**

7.7.1. Notwithstanding the relatively positive conclusions indicated the submitted sunlight and daylight study for Design Options 1 and 2, the massing, by way of depth and height of the proposed extension which adjoins the party boundary in Design Option 1 and is setback by up to 1.5 metres in Option 2 visual dominant and is overbearing resulting in a profound enclosure encloses the relatively modest sized rear garden of the adjoining property that seriously diminishes its residential amenity potential. In Option 1 there is a continuous blank east facing elevation whereas, in Option 2 the solid mass is somewhat ameliorated both by the 1.5 metre setback from the party boundary and by the insertion of the opaque glazing features in the elevation. While there is no overlooking potential in either option, the residential amenities of the adjoining property would be seriously diminished, possibly to the detriment of sustaining the future potential residential use of the property as is encouraged in the Z8 zoning objective. The adverse impact of the proposal in Design Option 2 is considerably less profound than that of Option 1 but it would remain significant.

7.7.2. The potential impact on the residential amenity potential of properties in residential use is a consideration with regard to the 'Z8' zoning objective for Georgian Conservation Areas encouraging residential use and to enhance and maintain these areas as active residential streets and squares with offices being permissible where they do not negatively impact on the architectural character and setting of an area or over concentration offices.

## **7.8. Impact on Luas Green Line**

7.8.1. The information provided with the appeal in connection with the proposed development, including the submitted construction management plan in response the comments and recommendations included in the report of the TII to the planning authority on the application along with the undertakings to finalise some considerations by way of compliance with conditions is considered reasonable. It appears that there are no major considerations that would necessitate rejection or major reconsideration of the proposed development. In the event of favourable

consideration of the current proposal, there is scope for clarification of relevant details in consultation with the TII prior to the determination of a decision should reliance on compliance with conditions attached to a grant of permission be considered inappropriate.

#### **7.9. Basement Accommodation.**

- 7.9.1. While the case made on behalf of the applicant about the viability of the project, given the extent of investment required in reinstating the original building is appreciated, there is concern about the incorporation of basement level office accommodation within the proposed extension involving deep excavation.
- 7.9.2. There is no evidence within the application and appeal submissions that investigations have been conducted to establish the potential, if any for adverse impact on the water table. It appears that this matter has not been comprehensively addressed in the documentation available in connection with the application and appeals.
- 7.9.3. It is appreciated also that many of the surrounding contemporary built commercial buildings in the vicinity have basements, but a flood risk assessment has not been provided for the proposed development in addition to the details of the proposed drainage arrangements. It is not demonstrated within the documentation available that it can be concluded that there is no risk of disturbance to the water table and water penetration at construction or operational stages irrespective of the remarks that the original buildings on Adelaide Road were constructed as three storey over basement houses in the nineteenth century.
- 7.9.4. It is also considered that consideration of basement level development within the curtilage of the nineteenth century dwelling which is included on the record of protected structures, would set precedent for excavation of the rear garden areas and basement level development at other properties along the terrace on Adelaide Road, Harcourt Terrace and surrounding areas included on the record of protected structures and within Conservation Areas which irrespective of whether the land use is residential, commercial or institutional. It therefore appears that the issue as to direct and material conflict with the policies and objectives set out in section 16.10.15 of the CDP which discourages underground and basement development or close to protected structures and conservation areas cannot be disputed.

## 7.10. **Appropriate Assessment.**

7.10.1. The application includes a brief statement in which not is made of the location of the South Dublin Bay Special Area of Conservation, (SAC) and South Dublin Bay and River Tolka Special Protection Area at circa three kilometres from the site location is noted as well as the brown field central city site location and the extent and nature of the proposed development. Having regard to this statement and the scale and nature of the proposed development and to the serviced central business district location, it can be concluded that no Appropriate Assessment issues arise. 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.

## 8.0 **Recommendation**

8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld. Draft Reasons and Considerations for a decision to refuse permission follow which relate to the concerns of the planning authority and which includes reference to the proposed basement element and associated excavation.

## 9.0 **Reasons and Considerations**

1. Having regard to site location at the edge of the area subject to the zoning objective Z8, (Georgian Conservation Areas:)” *to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective*”, to the inclusion of No 7 Adelaide Road and the adjoining terraced houses along Adelaide Road to the east on the record of protected structures it is considered that the proposed three over storey over basement extension to the rear of the existing building due to excessive and inappropriate proportions and design detail in scale and height, block form massing and horizontal emphasis, would seriously injure the integrity, primacy and setting of the existing building, a protected structure and would be contrary to the development objective for the area in that it

would seriously injure the visual amenities and character of the Georgian Conservation Area in which the terrace of protected structures on Adelaide Road at the end of which the site is located, in views from the north west along Harcourt Road and in views on approach from the rear along Peter Place to the south. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed three storey over basement extension by reason of scale, depth and height along and adjacent to the party boundary with the rear private open space to the adjoining property at No 8 Adelaide Road to the east side would be overly dominant, overbearing and would result enclosure of the rear property at No 8 Adelaide Road and, to a lesser extent, to adjoining properties to the east along the terrace of protected structures. As a result, the proposed development would seriously injure the residential amenities of the adjoining properties and would be contrary to the proper planning and sustainable development of the area.
  
3. The proposed basement level accommodation and associated underground excavation required to facilitate same, adjacent to the protected structures, some of which are in residential use, and within a conservation area would be with section 16.10.15 of the Dublin City Development Plan 2016-2022 according to which such development at or in the vicinity of protected structures and conservation areas is discouraged. . As a result, the proposed development would be contrary to the proper planning and sustainable development of the area

**Jane Dennehy**  
Senior Planning Inspector  
20<sup>th</sup> August, 2018.