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Bord  
Pleanála

## Inspector's Report ABP 301855-18

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<b>Development</b>	Second floor rear bed room extension to a protected structure.
<b>Location</b>	3 Phoenix Terrace, Booterstown, County Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0277
<b>Applicant(s)</b>	Lynn and Niall McCoy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Lynn and Niall McCoy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> September 2018
<b>Inspector</b>	Hugh Mannion

## 1.0 Site Location and Description

1.1. The site has a stated area of 0.015ha and comprises a three bedroomed, two storey over basement terrace house with a two storey return at Phoenix Terrace, Booterstown, County Dublin. There are 6 houses in the terrace which is accessed from Rock Road. Behind the terrace and accessed over the terrace is a development of duplex houses (Marina View) which has a gated entrance.

## 2.0 Proposed Development

2.1. The proposed development comprises;

- Remove the existing roof on the rear return,
- Remove the half-landing window, parts of walls and balustrade at top of the landing,
- Construct a firewall at return party wall, supporting structures and 2<sup>nd</sup> floor bedroom extension with zinc and slate cladding and sedum flat roof to serve as new WC with sill and part of window relocated to rear wall,
- Reconfigure rainwater goods and associated works,

At 3 Phoenix Terrace, Booterstown, County Dublin.

## 3.0 Planning Authority Decision

3.1. **Decision – refuse permission.**

The proposed development because of size, design, bulk and prominent position would be visually incongruous when viewed from the rear of adjoining properties and would overlook adjoin property on both sides. The proposal would be dominant and overbearing on the existing house, negatively impact on its character and visually impact on the area. The proposal would materially affect a protected structure in contravention of Policy AR1 and section 8.2.11.2(i) of the

County Development Plan and would contravene the principles set out in the Architectural Heritage Protection Guidelines. The proposal would seriously injure the amenity and depreciate the value of property in the area.

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

#### 3.2.1. Planning Reports

- The planner's report recommended refusal as set out in the manager's order.

#### 3.2.2. Other Technical Reports

The **Conservation Officer** has no major built heritage objections with the principal of the development but objected to the bulk and visual impact of the proposed development.

**Surface Water Drainage** Division reported no objection.

**Transport Planning** reported no objection.

### 3.3. **Prescribed Bodies**

No submissions

### 3.4. **Third Party Observations**

No observations

## 4.0 **Planning History**

No relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

The proposed development is in an area zoned A “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Section 8.2.11.2 of the County Development Plan sets out criteria for assessment of works to protected structures.

The **Architectural Heritage Protection Guidelines for Planning Authorities** (Department of Arts, Heritage and the Gaeltacht 2011) is the national guidance on architectural heritage.

### 5.2. Natural Heritage Designations

Not relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The application’s purpose is to improve the utility of the cramped accommodation in the return.
- The planning authority has over emphasised the visual importance of the return for the amenity of the wider area.
- The significance of the house is its front elevation and visual importance for Blackrock Park.
- The narrow width and restricted height prevent the use of the return as a third bedroom which is necessary to accommodate a family.
- The design of the proposed extension deliberately sets out not to appear as an original element of the protected structure.
- The application meets the criteria for an extension to a protected structure set out at 8.2.11.2(1) in the Development Plan.

## 6.2. **Planning Authority Response**

- The planning authority made no additional comment.

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. The criteria set out at 8.2.11.2(1) in the plan for considering works to are that;

- works should be executed to the highest conservation standards,
- interventions should maintain the original floor plan,
- an appropriately scaled extension should complement and be subsidiary to main structure and located to the rear,
- new works should be 'of their time' and distinguishable from the original,
- external fittings should be protected,
- and special interest should be balanced against compliance Building Regulations.

7.2. The net point in the present application is the tension between the protection of the rear sequence of returns in this terrace and the provision of additional useable residential accommodation. While having a relatively large floor area the house has only two bedrooms. The applicant makes the point that the importance of the building as a protected largely relies on its streetscape value and its position facing onto Blackrock Park immediately to the south of Phoenix Terrace. I agree with this point and it is noteworthy that there are no works proposed to the front façade of the building.

7.3. The planning authority's major concern is that the proposed development will impact on the visual amenity of the area. Marina View is a relatively recently constructed

development of duplex apartments with outside stair ways and centralised parking. The 6 houses in Phoenix Terrace have retained their original gated access to the rear gardens and there appears to have been no significant alterations to these rear facades. However, the returns of numbers 1 and 2 are taller than those of 3, 4,5 and 6. Given the depth of the rear garden (about 10.5m) and the form of the development in Marina View I conclude that the proposed development will not seriously injure the visual amenity of these houses. Because of the height of the returns on numbers 1 and 2 Phoenix Terrace and the slope from the Rock Road towards Dublin bay I conclude that the proposed amended return on number 3 Phoenix Terrace will not be intrusive in views from Rock Road.

- 7.4. The proposed extension is set off the boundary with the neighbouring house (4 Phoenix Terrace) and the chimney is to be retained. The occupant of number 4 has written to support the application. The proposed window faces into the application site's rear garden and car parking associated with Marine View.
- 7.5. As required by the Development Plan criteria it may be noted that the proposed extension is clad in zinc and will be clearly distinguishable from the original structure on site. The amended return will remain subservient to the original house and remain lower than the returns to 1 and 2 Phoenix Terrace. The proposed development gives rise to the minimum loss of original building fabric consistent with the provision of the new accommodation.
- 7.6. I conclude that this is a reasonable improvement to the residential accommodation on site which does not compromise the special interest of the protected structure.
- 7.7. **Environmental Impact Assessment Screening**
- 7.8. Having regard to nature of the development comprising an extension to an established residential use in an urban area where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.9. **Appropriate Assessment Screening**

7.10. Having regard to likely emissions from the proposed development and its location in an urban area where public piped services are available 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 a European site.

## 8.0 Recommendation

8.1. I recommend permission be granted.

## 9.0 Reasons and Considerations

The proposed development is located in an area zoned to protect and or improve residential amenity in the Dun Laoghaire County Development Plan 2016 to 2022. The proposed development, subject to compliance with the conditions set out below, would not detract from the special interest of the protected structure, seriously injure the visual or residential amenity of the area or of property in the vicinity and, otherwise, would be in accordance with the County Development Plan and 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such

services and works.

**Reason:** In the interest of public health.

3. (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 Environment, Heritage and Local Government 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.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

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Hugh Mannion  
Senior Planning Inspector

2<sup>nd</sup> October 2018