



An  
Bord  
Pleanála

## Inspector's Report ABP-302016-18

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<b>Development</b>	Partial demolition, repair & extension of house to provide a 2-storey detached dwelling house and all associated site works.
<b>Location</b>	The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2510/18
<b>Applicants</b>	Patrick & Caroline Levins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Aisling Harrison & others
<b>Date of Site Inspection</b>	22 <sup>nd</sup> November 2018 and 28 <sup>th</sup> November 2018
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site the subject of this application is located at the end of Riversdale Avenue, which runs south from Bushy Park Road, Terenure, Dublin 6. Riverside Avenue, a short, narrow cul-de-sac 5 or 6 metres wide with a footpath along the eastern side, is about 140 metres in length ending with a small turning circle, before a gateway. The eastern side of the road is fronted by two storey dwellings. The western side is bounded by a strip of grass crossed by two vehicular accesses.
- 1.2. At the southern end of Riversdale Avenue there is a gated entrance to a shared access. This historic entrance has wrought iron gate piers and a gate.
  - 1.2.1. The private access at the end of Riversdale Avenue serves The Barn, Riversdale and Riversdale House, together with a vacant plot of ground to the east of the private access, which was the subject of a recently decided appeal under Reg Ref ABP 300812-18, PA Reg Ref 393/17, where permission was refused for three 2-storey dwellings.
  - 1.2.2. Riversdale, constructed in the 1960s and recently extended and renovated, is attached to and north of Riversdale House (a Protected Structure), located above the steep banks of the River Dodder, which it overlooks. A zone of archaeological potential for several recorded monuments, extends along the river bank.
  - 1.2.3. The application details show that the landownership includes the vacant land to the east of the access driveway.
  - 1.2.4. The site is given as 0.096ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the partial demolition, repair & extension of the existing dwelling house known as The Barn to provide a 2-storey detached house and all associated site works. The Barn is made up of a number of buildings. Those to the north and nearest to the private road are single storey with a slated pitched roof (bungalow type). These buildings are to be demolished to make way for a two storey building of similar height with a reduced ground floor level, providing entrance hall and reception rooms at ground level and bedrooms with terraces above with a curved stairway towards the western end and a curved elevation to the north. At first

floor an access corridor running east / west, to serve bedrooms on its southern side, opens to a series of voids running alongside to the north with the voids open to the hallway below. Two bridges link the corridor to small storage areas and a sitting area, located inside the curved northern elevation, which has five exceptionally small symmetrically placed, square windows. The scale of the openings at ground level (entrance doorway and windows) is exaggerated by their placement in oversized recesses.

- 2.1.2. Connected to the existing single storey buildings and running south at right angles and along the boundary with properties in Westbourne Road, is a two storey building part of which (a former coach house) dates from the mid nineteenth century. It is proposed to retain the historic shell of this building, to lower the floor level, and to rebuild it with similar proportions, with a new window strip at wall plate level on the eastern elevation and part of the southern elevation. This building block will accommodate a reception room and service rooms at ground floor level, and a bedroom above.
- 2.1.3. To the north of this combined two storey block a single storey caretaker's / au-pair's en-suite bedroom is proposed along the western site boundary and to the south of the two storey block is proposed a single storey garden room also along the western site boundary.
- 2.1.4. The outdoor area is divided into two parts linked by a pedestrian gateway, they are to the north and south of an historic wall. The garden to the north is bounded by the former coach house (west), the bungalow (north), the c 2m high masonry wall to the south and a block wall with a glasshouse attached to the east. The open space to the south is enclosed is enclosed to the west south and east by lower block walls.
- 2.1.5. The northern garden is to be partly reduced in level to better accommodate the reduction in floor level proposed within the building. Two further openings are to be inserted in the masonry wall, one of c 1.8m to provide a window to the garden room and one of c 2.9m to link the two garden areas.
- 2.1.6. The application is accompanied by:
  - A Planning Report
  - An Architects Design Statement

- A Conservation Assessment

2.1.7. The Conservation Assessment, by Historic Building Consultants, includes:

Within The Barn there is the shell of a stone-built outbuilding dating from the mid nineteenth-century.

In the early nineteenth-century Riversdale House had an outbuilding within its grounds to the NW of the house. This building was demolished and a new outbuilding was erected a little further away from the main house. In the mid twentieth century a substantial amount of that outbuilding was demolished and a new house was built. The rectangular shell of the western end of the outbuilding was retained and is buried within the walls of the present house.

The Barn consists of a two storey element which is built around the shell of the stone-built outbuilding onto which has been added a concrete-built, single storey wing. These form the northern and western sides of a courtyard that is bounded on the eastern and southern sides by a stone wall. South of the wall there is another part to the grounds.

No architectural heritage remains. The surviving shell is not evident and retains little or no historic character.

It is proposed to demolish the mid twentieth century elements, retaining the stone built shell, mid nineteenth-century, and the eastern and southern stone walls of the courtyard. The demolished parts would be replaced with a new house, part two-storey with single storey elements. The stone built structure would be incorporated in much the same form externally.

In line with good conservation practice the design adopts a high quality contemporary architectural style.

There is no direct or indirect impact on the character of the protected structure.

Extracts from historic mapping are provided and alterations to both Riversdale House and outbuildings described. In about 1978 the outbuildings were converted to the house that is now called The Barn. This resulted in the demolition of a substantial amount of the structure leaving only the rectangular part at the western end.

The existing courtyard, with its eastern and southern stone walls, would be retained as an enclosed courtyard with access to a part of the site that lies to the south and into which a small addition to the house would be built. A small wing would be built to

the north alongside the western boundary. The small northern wing and the small addition to the south would each be single storey while the original stone structure and the main house would be two-storey, though the latter would have its upper floor set back from the face of the ground floor on the southern elevation towards the courtyard. The internal walls of the stone built structure would be removed and a new plan layout would be provided with the staircase located outside the stone structure to the north.

A two-storey extension has been added to Riversdale recently, providing 90 sq m of floor area and this has been carried out on foot of planning permission 246746 PA Reg Ref 2580/16. That house stands between the protected structure and The Barn and screens each from any view of the other.

2.2. The Architects Design Statement, by Cahill O'Brien Associates Ltd, includes:

The proposal replaces the single storey bungalow with a two storey dwelling, refurbishes the existing Barn and Courtyard and adds a couple of low slung single storey wings north and south of the barn connecting the garden spaces together.

It is proposed to lower the finished floor level by 500mm. This provides reception rooms of nearly 3m height, allows the two wing extensions to north and south to be substantially hidden from view of neighbours gardens behind the 2m high wall, while maintaining internal ceiling heights of 2.4m. The proposed height would stay within the scale of height of the old Barn and the nearby Riversdale dwellings.

2.3. The Planning Report by McGill Planning, includes:

It refers to the engineering drawings by BBA architecture showing turning movements of service/refuse vehicles, and connection to existing public sewers and mains.

It refers to section 16.10.17 of the city development plan regarding the retention and reuse of older buildings of significance which are not protected. The Barn is outside the setting of the protected structure and has been severed from same by the two storey extension to Riversdale at the southern boundary (ABP PL29S.246746). Nevertheless, it has been determined, in the consideration of previous planning applications by the planning authority and An Bord Pleanala, that the Barn is of some historical significance. As a result, the current proposal seeks to retain the Barn

structure with minimal alteration. In addition, the proposal will re-use feature elements on site, such as wrought iron gate posts and masonry from garden walls. The development has been designed having regard to the surrounding residential context of the area. It is proposed that the ground floor level is to be reduced by 500mm, so that generous ceiling heights are achieved for the reception rooms. The design represents an appropriate form of development with minimal impacts on the existing properties in the surrounding area. Some alteration to the retained element of the Barn is necessary to make the structure usable for modern living conditions. Consideration was given to the planning authority's further information request on 3014/16. Item 1 (b) stated 'the impact of the scale, bulk and height of houses 1 and 2 on the immediately adjoining neighbours at nos. 14/14A Westbourne road and 9 Riversdale Avenue'.

Item 2 stated 'the modern envelope of House 1 relative to the remains of the former coach house at the Barn obliterates the character and removes the special interest of this building of historic interest. A development that permits the historic mews character and scale to be retained whilst adapting and extending in a more restrained approach is required'.

Item 1 (b) has been overcome in this current application as the proposed size of the overall dwelling is reduced from c424 sq m to 389.5 sqm. The overall height is reduced from 8.15m to 7.4m. the height will have no negative impacts on adjoining properties in the area. Given this, no overlooking from windows will occur on the west facing elevation. Per item 2 the scale of intervention to The Barn is now substantially reduced to what is the minimum level required to adapt the structure for modern living. The 2 extensions, sunroom to the south and caretaker/au pair room with ensuite, are external to the Barn structure, small in scale and barely attached. It is considered that the alterations to floor levels and eaves and the extensions do not compromise the integrity of the Barn structure.

The current proposal seeks to overcome Reason 2 of the most recent Board decision to refuse, PL 29S.247870. Reason 2 refers specifically to The Barn.

Throughout the planning history it is evident that the principle of development has been acceptable, however it has been the scale and detail of various proposals that have proved problematic. The Barn is not fit for human occupation. They refer to the assessment undertaken by the planning authority in 2013, in deciding to list

Riversdale House as a protected structure, and the conscious decision to define a limited curtilage which excluded the Barn. The conservation report which accompanies this application reviews the architectural quality and merits of the Barn and it is concluded that these are not considered to be of great significance, nevertheless in considering the detail of a new design it has been decided to leave The Barn structure as intact as possible. As evidenced in the architect's design statement, minor alterations are proposed: floor level is reduced by 500mm and the eaves/roof profile slightly altered to the east and south elevations. The roof profile to the rear of the Barn and to adjoining residential properties, is unaltered. This element of reason 2 is set aside.

Regarding reason 2 and 'adversely affect the character and setting', historic settings and physical context do not remain static. In an urban landscape, zoned for development, the contextual baselines change overtime. The footprint of the new element is similar to that which exists. Like the Barn it is considered that the existing cottage needs to be altered for modern living. A second floor of accommodation is added, to provide bedrooms. The scale and footprint of the upper floor are small. The height is entirely within the context created by the ensemble of buildings in the wider area.

The report highlights:

- The ridge height of the existing Barn is 51.089m; that of the proposed extension is 51.0515m.
- The ridge height of the 3 houses previously permitted (PL 26S. 247870) with a flat roof design had a parapet of 52.90m with buildings 7.9m to 9.4m above existing ground level.
- Those at appeal have ridge heights close to 54m. Permission for dwellings on this part of the site will, at some stage, result in development, a context within which any proposal for The Barn should be considered.
- Existing houses to the west have ridge heights of c 53m, No 9 Riversdale Ave at the entrance, has a ridge height of 53.849m.
- Riversdale and Riversdale House have ridge heights of c 51.89m. Permission was granted for a 2 storey extension 6.74m high located immediately adjacent the southern boundary of The Barn.

These examples show the evolving nature of the ensemble.

The issues of Reason 2 are satisfactorily addressed. The proposed development is a high quality modern design and the proposal is further enhanced by the proposed landscaping. The extension and conversion of the Barn will bring an older building back into use, ensuring its longevity and durability over the lifetime of the scheme.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The planning authority decided to grant permission subject to eight standard conditions.
- 3.1.2. The decision was in accordance with the planning recommendation.

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

##### **3.3. Planning Reports**

- 3.3.1. There are two planning reports on the file. The first states that the current application seeks to remedy and overcome the previous reasons for refusal. The principle of the partial demolition, repair and extension of the existing house known as The Barn to provide a dwelling that is a liveable space would be acceptable taking into account the zoning of the site, the location in proximity to Terenure and the current housing crisis within the city. The works to the dwelling provide an opportunity to create a quality single dwelling. It is considered that the current proposal is an acceptable approach to design and scale. It is considered that the current proposal would be more in keeping with the character and setting of the area.
- 3.3.2. Urban design – the current proposal would not result in undue overshadowing. The current proposal reduces the impact in terms of scale and mass. The current approach would not contribute to undue overlooking and would not have an overbearing impact on the properties adjoining and to the rear, in particular to the character and setting of the protected structure. The overall residential quality accords with Section 16.10.2 of the development plan.



- 3.3.3. Recommending requesting information on 1 point, per Roads & Traffic Planning Division, which request issued.
- 3.4. Other Technical Reports
- 3.5. Engineering Department – Drainage Division: conditions.
- 3.6. Roads & Traffic Planning Division (initial report):
  - 3.6.1. As this proposal involves the extension of an existing dwelling it is considered that this development will not give rise to an intensification in the use of the existing access road.
  - 3.6.2. Parking will be provided within the curtilage of the site and an auto track analysis has been submitted which demonstrates that vehicles can manoeuvre within the site and exit in a forward motion.
  - 3.6.3. It is noted however that an auto track analysis submitted with application Reg Reg 3943/17 indicates that a fire tender vehicle would drive into the site, reverse into the area associated with this application site, and drive out again onto Riversdale Ave. This arrangement will not be possible as a result of this development. Request applicant to address.
  - 3.6.4. The applicant should be requested to submit a full CMP upon appointment of a contractor, including agreement of the location of the construction hoarding.
  - 3.6.5. Recommendation that additional information be requested on the following point:

The applicant is requested to demonstrate how the proposed development meets the access requirements for emergency and fire tender vehicles. In responding to this item, the applicant is requested to consider how access for emergency and fire tender vehicles can be provided to serve both the proposed development and any future development of adjoining lands.
- 3.7. Further Reports
- 3.8. Roads & Traffic Planning Division second report:
  - 3.8.1. The second Roads & Traffic Planning Division report refers to the responses to the further information request which are acceptable; and recommends permission

subject to conditions: construction management plan; all costs incurred by DCC to be at the expense of the developer; and compliance with the code of practice.

### 3.9. Second Planning Report

- 3.9.1. The second planning report recommends permission subject to conditions; which issued.

### 3.10. Third Party Observations

- 3.10.1. Third party observations have been read and noted.

## 4.0 Planning History

300812 PA Reg Ref 3998/17 (which file accompanies the subject file) is an appeal against the planning authority's decision to grant permission for 3 no. 2-storey dwelling houses comprising 1 no. detached house (c.210sq.m) and 2 no. semi-detached houses (c.213sq.m each), on the opposite side of the private road; refused by the Board.

300487-17 PA Reg Ref 3998/17 an appeal against the planning authority's decision to grant permission for: two new plastered concrete piers with wrought iron gates and associated site and landscaping works. The erection of the gate piers, and gates is to be across the driveway in front of Riversdale and Riversdale House and at the rear of "The Barn"; granted by the Board.

PL29S.247870, PA Reg Ref 3014/16 (which file accompanies the subject file) is an appeal against the planning authority's decision to grant permission for: the partial demolition, repair and extension of the existing dwelling house (known as The Barn) to provide a 2-storey detached dwelling house (c 424 sq. m) with east facing balcony and car port (c25 sq. m) and construction of 2 no. 3-storey detached dwelling houses (c.443 sq. m and 446 sq. m) and all associated site development works, site services, access, car parking, landscaping and boundary treatment works; refused by the Board for 2 reasons:

Reason No 2 states

By reason of the proposed scale of the intervention including partial demolition and extension to “The Barn”, a structure of historic interest and by reasons of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this ensemble and would also seriously injure the residential amenities of adjoining properties to the west.

PL29S.246746, PA Reg Ref 2580/16 permission granted for extensions to Riversdale.

- The demolition of the existing greenhouse and the construction in its place of a more extensive new kitchen-dining single storey extension (45.98 sq m),
- The construction of a new two storey extension (43.90 sq m) to the westernmost side elevation of the existing dwelling house. This extension would comprise toilet and utility/laundry facilities at ground floor level and an en-suite and dressing room at first floor level, and
- Refurbishment works to the existing building and all associated landscape and service works. The refurbishment works would entail the reorganisation of the internal layout of the existing dwelling house with accompanying alterations and/or additions to openings in the external elevations.

PL29S.221716 PA Reg Ref 3954/06, (which file accompanies the subject file) is an appeal against the planning authority’s decision to grant permission for: the demolition of The Barn; and the construction of four new dwellings and gardens around a central hard landscaped courtyard; granted by the Board subject to conditions which limited the permission to three houses and required that the coach house be retained, (site area 0.248 hectares).

3954/06/X1 – extension of permission (3954/06) granted until 10 October 2017.

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan, 2016 – 2022 is the operative plan. Relevant provisions include:

The site is zoned Z1 – To protect, provide and improve residential amenities.

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.
- Section 11.1.5.3 - protected structures.
- Section 16.2.1 Design Principles.
- Section 16.2.2.2 Infill Development.
- Riversdale House is included on the record of protected structures.
- The location adjoins the zone of archaeological constraint for several recorded monuments.

### 5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay SAC site code 000210 and South Dublin Bay and River Tolka SPA site code 004024, are the nearest Natura sites, located c 8.5km away.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. Stephen Little & Associates chartered Town Planning and Development Consultants have submitted an appeal on behalf of:

Aisling Harrison, Bart Casella, Riversdale House, 75 Bushy Park Road, Rathgar;

Ann Lynch, Riversdale, 75 Bushy Park Road;

Aoife Ryan, 18 Westbourne Road (owner of 14/14a Westbourne Road), Dublin 6;

Liz Ryan tenant at 14a Westbourne Road;

Julia Cullinan and Miriam Kent, 10 Riversdale Avenue, Bushy Park Road, Rathgar;

Neville Russell, 10a Riversdale Avenue, Bushy Park Road;

Geraldine and Derick Breen, 8 Riversdale Avenue, Bushy Park Road;

Ron Fox 12 Westbourne Road; and

Geoff Johnson, 15 Westbourne Road.

6.1.2. The grounds includes:

- Riversdale House is a protected structure (ref no 8720) original early 19<sup>th</sup> century house. They submit that it may be earlier than 19<sup>th</sup> century.
- The planning history is cited

Under PL 29S.221716, PA Reg Ref 3954/06, the Board (in an appeal against the planning authority's decision to refuse) in granting permission for 'demolition of the Barn and the construction of four new dwellings and gardens around a central hard landscaped courtyard...', required under condition no 2 revised drawings showing house A (proposed on The Barn site) and the associated guest accommodation omitted from the development, and the two-storey existing coach house retained'. This reflects the historical importance of The Barn and its intrinsic links to the original Riversdale House complex; and also the constrained nature of the site and the sensitivities with adjacent dwellings. The extended permission expired 10 October 2017, Riversdale House was included on the record of protected structures on 10 June 2013.

Under PL29S.247870, PA Reg Ref 3014/16 the Board (in an appeal against the planning authority's decision to grant) refused permission for: the partial demolition, repair and extension of the existing dwelling house (known as The Barn) to provide a 2-storey detached dwelling house (c 424 sq. m) with east facing balcony and car port (c25 sq. m) and construction of 2 no. 3-storey detached dwelling houses (c.443 sq. m and 446 sq. m). All associated site development works, site services, access, car parking, landscaping and boundary treatment works, for 2 reasons, the second of

which states that by reason of the scale of the intervention including partial demolition and extension to “The Barn”, a structure of historic interest, and by reasons of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this ensemble and would also seriously injure the residential amenities of adjoining properties to the west. This confirms and validates the historic interest of the ensemble: Riversdale House, Riversdale and The Barn and the sensitivity of the existing character of the area and the residential amenity of neighbouring properties.

Riversdale - Under PL 29S.246746 PA Reg Ref 2580/16, the Board granted permission, in an appeal by the current applicant, against the planning authority’s decision to grant permission for an extension to Riversdale. The current applicant argued, amongst other matters, that the modest extension would diminish not only the character of Riversdale but also Riversdale House and The Barn. The current proposal has far greater impact on these structures.

ABP – 300812 – 18 currently before the Board, (now decided).

- Character & Design.
  - The subject application taken together with 300812 would represent a more materially harmful development than 247872, previously refused. The applicants are listed as directors of Insignia Investments Ltd, the applicant in 300812.
  - Due to its design and scale the proposed development will be excessive and overbearing and result in material harm to the character and appearance of the protected structure. The proposal will also be injurious to the character of the wider area.
  - The roof design and choice of material are considered to be at odds with the prevailing design of the surrounding area which features slate roofs, either

hipped or pitched. The choice of zinc in a mono-pitch and flat roof is incompatible.

- The highly stylistic curving northern façade is considered an unnecessary architectural folly, which provides an arguably spurious internal space (storage and reading areas). Incompatible with the surrounding setting.
- The height of The Barn will not be raised, however the 2 properties to the north are single storey and the retention of the single storey element of The Barn would be more in keeping with the surrounding area. The introduction of a strip window in the roof of The Barn on its eastern elevation is unnecessary and inappropriate, given the rooms have easterly facing windows.
- It is stated in the application that the proposed extensions are barely attached, they are still materially harmful and inappropriate in design.
- The extension is longer than that previously refused, comes close to the roadway and has a curved façade; it would dominate the landscape.
- A design retaining the roofline, ridge and eaves of the Barn would be more appropriate.
- Policy Context.
  - CHC2 and Section 11.1.5.3 are cited. The proposed development would be injurious to the character and setting of the nearby protected structure due to its scale and design.
- Residential Amenity
  - Overlooking –
    - First floor south windows all overlook the garden area of Riversdale and this results in undue overlooking. The east bedroom window is approx. 13m from the upstairs master bedroom and ground floor sitting room. In 3014/16 (247870) Dublin City Council were minded to condition that the south and west facing windows were to be obscured glazing and top hung. It is considered that this approach should be pursued.

- Due to the curved façade to the northern elevation, the first windows will have views into the garden of No 12 Westbourne Road.
- The existing attic window on the western elevation overlooks the gardens of Nos 14/14A Westbourne Road. The rooms have eastern windows and it is not necessary to retain the western windows which result in undue overlooking.
- Overbearing Impact – The northern and southern extensions raise the boundary height to the rear of Nos 12 and 14/14A Westbourne Road, which is unreasonably overbearing. The extension should be set back a minimum of 3-3.5m.
- Overshadowing – the proposed extended building would be 29.8m along the boundary with Nos 12 and 14/14A Westbourne Road, compared to the existing 15.3m, for a separate suite and sun room. Both will raise the boundary wall and result in material harm to the daylight enjoyed by the properties. A minimum setback of 6m from the boundary with 14A would aid in alleviating the impact.
- Construction Phase – The Board should consider persons who must regularly access properties adjacent. Appropriate measures are requested re noise, dust, debris and working hours. Pedestrian access from No 12 Westbourne Road to Riversdale Ave should not be blocked by the proposed construction hoarding. Conditions 4, 6 and 7 are welcomed. The RoW should be kept clear and clean at all times.
- Boundary wall – clarification is sought that the existing boundary wall (shown outlined to east and south on a copy drawing provided) will be retained in full. It rises to 3m in places and parts are of historic importance. Re the walled garden portion of The Barn which forms an integral part of the character of The Barn, a substantial portion is to be removed which is wholly inappropriate and will materially harm the setting and character of the surrounding area.
- Entrance gates – it is requested that the works are carried out by a suitably qualified person.



- Caretaker/Au Pair room – a similar proposal for 2 guest rooms was removed by condition in DCC Reg Reg 3954/06.
- Access – Their previously raised concerns remain re: that the width of road is not sufficient to reverse cars onto; due the building footprint an adequate turning circle cannot be achieved, risk to ease of vehicular movement.
- Access for Fire Tender – Part B Building Regulations is not complied with. Given the length of the cul-de-sac and intensification of development, an adequate turning circle should be provided. When considered in the context of 300812 there will continue to be an insufficient turning circle.
- Refuse collection – an adequate bin strategy is required.
- Adequate manoeuvring space and building separation should be provided so that vehicles can safely enter and exit spaces, that pedestrian safety is maintained and that the site can be satisfactorily serviced.
- Design amendments – they have no objection in principle to an appropriately scaled sensitive development.
- They request refusal or alternatively revision to incorporate the amendments they have put forward.
- They enclose a copy of their appeal submitted on 300812.

## 6.2. Applicant Response

6.2.1. McGill Planning, Chartered Town Planners, have submitted a response to the appeals on behalf of the applicant. The response includes:

- The current proposal follows a previous refusal of permission (PL26S.247870 PA Reg Ref 3014/16), following which the design was significantly revised to address the concerns raised. In particular the scale of physical intervention to the original property has been reduced and the proposed extensions better integrate with the existing ensemble and the character and amenities of the area. The decision of DCC confirms that the previous reasons have now been overcome. The appellant raises the same issues as were raised with DCC.

- Enclosed with the response is a copy of the Planning Report which accompanied the application.

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

6.3.1. The Planning Authority has not responded to the grounds of appeal.

### **6.4. Board Correspondence**

6.4.1. The Board wrote to: The Heritage Council, An Chomhairle Ealaíon, and An Taisce inviting submissions. No submissions were received.

## **7.0 Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, Environmental Impact Assessment, the principle of the development, impact on the character and amenities of the area, impact on visual amenity and on the protected structure, access and traffic and legal issues and the following assessment is dealt with under those headings.

### **7.2. Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

### **7.3. Environmental Impact Assessment**

7.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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.

#### **7.4. Principle of Development**

- 7.4.1. Under the development plan, the site is zoned Z1. Residential is a permissible use within this zone, the buildings on the site have previously been in residential use. There is no objection in principle to residential development on this site.

#### **7.5. Impact on Residential Amenities**

##### 7.5.1. Overlooking

- 7.5.2. It is of concern to third parties that the existing attic window on the western elevation overlooks the gardens of Nos 14/14A Westbourne Road and that these rooms have eastern windows and it is not necessary to retain the western windows which result in undue overlooking.

- 7.5.3. This refers, per Drawing No PL6, to a high level window to be retained, and per Drawing No PL 5, to an existing box skylight to be restored and repaired. The window is 2m above floor level and does not create an overlooking situation. It would be unreasonable to require the removal of a window which currently exists and which is not being enlarged or its use altered.

- 7.5.4. The introduction of a strip window in the roof of The Barn on its eastern elevation is a stated concern. It is stated that is unnecessary and inappropriate, given the rooms have easterly facing windows. This refers to a high level window strip on the eastern elevation and part of the southern elevation. Although high level, the glazed area is lower than the west facing roof window referred to above. It appears to be a design feature which follows the precedent set by the window in the western elevation. I do not consider that it gives rise to overlooking concerns. It could be a requirement that this window strip be glazed in obscured glass, should the Board require it.

- 7.5.5. It is of concern to third parties that due to the curved façade to the northern elevation, the first windows will have views into the garden of No 12 Westbourne Road. Notwithstanding the curved façade to the northern elevation, such overlooking is virtually impossible.

- 7.5.6. It is of concern to third parties that the first floor south facing windows all overlook the garden area of Riversdale and that this results in undue overlooking; the east

bedroom window is approx. 13m from the upstairs master bedroom and ground floor sitting room.

- 7.5.7. The proposed bedrooms are set back in excess of 19m from the boundary with the amenity area within the Riversdale property, the properties will be separated by a 2m high wall and tree planting is proposed. The east bedroom window is at an oblique angle to the windows of concern to the third party and any impact would be mediated by the presence of a wall and mature planting.
- 7.5.8. I consider that the proposed development does not give rise to any significant overlooking concerns.
- 7.5.9. Overbearing
- 7.5.10. It is of concern to third parties that the northern and southern extensions raise the boundary height to the rear of Nos 12 and 14/14A Westbourne Road, which is unreasonably overbearing; and that the extension should be set back a minimum of 3-3.5m. It is stated that the proposed extended building would be 29.8m along the boundary with Nos 12 and 14/14A Westbourne Road, compared to the existing 15.3m. Both extensions will raise the boundary wall and result in material harm to the daylight enjoyed by the properties; and a minimum setback of 6m from the boundary with 14A would aid in alleviating the impact.
- 7.5.11. The proposed sunroom is only c2.49m above ground level and the proposed caretaker's / au-pair's bedroom is only c2.42m above ground level, neither is significantly higher than a boundary wall availing of exempted development status. I do not consider that either an overbearing impact or overshadowing will occur to any significant degree.
- 7.5.12. The site is an infill site, surrounded by established residential development. These buildings have been disused for some time are partly screened by a hoarding. The justification of the proposed partial demolition is that the condition of the building fabric is poor. The demolition, repair and extension to provide a residential building of quality would improve the amenities of the area.

## 7.6. Impact on the Character of the Area and The Protected Structure

7.7. It is of concern to third parties that the highly stylistic curving northern façade is an unnecessary architectural folly, which provides an arguably spurious internal space (storage and reading areas), and is incompatible with the surrounding setting.'

- 7.7.1. Internal spaces could indeed be described as spurious, at first floor level small storage areas and a small sitting area are located inside the curved northern elevation, accessed by an elaborate arrangement of two bridges from the bedroom corridor. At ground level at least one of the storage areas provided in the space created by the curved elevation has questionable utility value.
- 7.7.2. Concern has also been expressed that due to its design and scale the proposed development will be excessive and overbearing and result in material harm to the character and appearance of the protected structure; the proposal will also be injurious to the character of the wider area; the roof design and choice of material are at odds with the prevailing design of the surrounding area which features slate roofs, either hipped or pitched; and the choice of zinc in a mono-pitch and flat roof is incompatible. It is suggested that a design retaining the roofline, ridge and eaves of The Barn would be more appropriate.
- 7.7.3. It would be reasonable to have some reservations regarding the proportions of the front elevation, particularly the scale of the oversized recesses within which the ground floor openings are located which are much larger than those on the front elevation of Riversdale. If this was a street with a uniform building line, the front elevation, roof design and roof materials might reasonably cause concern. It should be noted there is limited opportunity to compare the proposed elevations with any others in the area. The proposed development is separated from residential areas at Riversdale Avenue, Westbourne Road and Laurelton. In relation to Riversdale, it should be noted that from Riversdale Avenue there is no view of Riversdale. Even within the private access road a mature tree to the side of the subject building and to the front of Riversdale breaks any visual link. The composite elevation shown in view 9 on drawing no PL 3 is not therefore available. The proposed elevation has the benefit of suggesting a single storey building. Views 3 and 9 of drawing no PL 3 allow comparison between the existing single storey building and the proposal, which

is a two storey building (also PL 2 in which the existing building is indicated by a broken line).

7.7.4. In relation to Riversdale House which is a protected structure, there is no visual link. Riversdale, recently extended westwards, provides effective separation between the proposed development and Riversdale House. The provision of the gate piers, and gates, proposed to be erected across the driveway in front of Riversdale and Riversdale House at the rear of The Barn, under file ref. 300487-17 PA Reg Ref 3998/17, will further sever the visual link with the protected structure.

7.7.5. I am inclined to accept the argument made by the first party that the design addresses previous concerns in relation to The Barn and the surrounding area and on balance consider that the design is acceptable.

## 7.8. **Historic Built Fabric**

7.8.1. The proposed development would involve the reduction in ground level within the historic former coach house. This is required to provide accommodation with acceptable head room without interfering with the structure or altering the external height. In my opinion this is acceptable.

7.8.2. The proposed development would involve the removal of two sections of the historic wall which divides the outdoor amenity space into two portions. One of the openings of c 1.8m in width is to provide a window to the garden room and the other of c 2.9m in width is to provide a second link between the two garden areas. The garden areas are already linked by a pedestrian gateway. In my opinion the opening to provide a window to the garden room is acceptable, however the larger opening (c 2.9m) to provide a second link between the two garden areas has not been justified by need. The historic wall is an attractive feature and there is an existing pedestrian gateway linking the two areas. I consider this second opening should be omitted by condition.

7.8.3. Third parties request that work to the entrance gates is carried out by a suitably qualified person. Since there is no reason to believe that work to the entrance gates described as 'repair' would be carried out by someone other than a suitably qualified person I do not consider such a condition necessary.

## **7.9. Traffic /access**

- 7.9.1. It is of concern to third parties that the width of road is not sufficient to reverse cars onto and that due the building footprint an adequate turning circle cannot be achieved at a risk to ease of vehicular movement.
- 7.9.2. This was the subject of a FI request and the proposal was altered to reduce the hedge at the northern end in order to allow for turning.
- 7.9.3. It is of concern to third parties that Access for Fire tender per Part B Building Regulations is not complied with and an adequate turning circle should be provided.
- 7.9.4. The planning authority is satisfied with regard to access for all vehicles. I am satisfied that there is no outstanding matter to be considered in this regard.

## **7.10. Archaeology**

- 7.10.1. The CDP indicates that the proposal is adjacent to the Zone of Archaeological Constraint for DU022 044: Rathfarnham Bridge, Watermills site and Bridge site, and DU022 096: Millrace and Mill Pond.
- 7.10.2. Given the proximity of the site to an area of archaeological potential and the presence of historic structures on site there is potential for items of archaeological interest to occur within the site, I consider that a standard monitoring/recording condition should be attached to any permission.

## **7.11. Other Issues**

- 7.11.1. Refuse collection – Third parties state that an adequate bin strategy is required. A notable feature of the turning head at the end of Riversdale Avenue is the presence of two separate storage facilities for bins. This may give rise to the concern expressed.
- 7.11.2. There is no reason to consider that the provision of refuse storage facilities within the subject site will give rise to any difficulty. There is ample space available within the site and a second entrance is proposed to the rear garden.

## 8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature and scale of development proposed and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and in particular would not detract from the protected structure Riversdale House, would be acceptable in terms of traffic safety and convenience and would therefore, 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, as amended by the further plans and particulars submitted on the 16<sup>th</sup> Day of May 2018, 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 removal of the large portion of the masonry wall (c2.9m in width) as proposed, to provide a link between the garden areas to north and south, shall not be carried out and detailed proposals in relation to the removal of the western portion within the sunroom and in relation to the restoration of the remainder of the wall shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of safeguarding the historic wall.

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

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

notify the planning authority in writing at least four weeks prior to the commencement of any site operation including demolition and geotechnical investigations relating to the proposed development,

employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Samples of the proposed external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste and placement of the site hoarding.

**Reason:** In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

8. During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

**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.

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Planning Inspector

29 November 2018

Appendix 1 Photographs

Appendix 2 Extracts from the Dublin City Council Development Plan 2016-2022