



An  
Bord  
Pleanála

## Inspector's Report ABP-302088-18

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<b>Development</b>	Protected Structure: Demolition and construction of extension at the rear of a dwelling.
<b>Location</b>	22, Mountpleasant Avenue Lower, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2847/18
<b>Applicant(s)</b>	Raymond Smith
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Raymond Smith
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> of October 2018.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The subject site comprises of a two storey mid terrace dwelling, a protected structure, at No. 22 Mountpleasant Avenue Lower, Dublin 6. The existing dwelling includes a two storey rear return currently in disrepair. The site has a small rear garden and the rear of the dwelling is visible from a terrace of dwellings located behind, Garden View. The site bounds No 23 along the south which has a contemporary two storey rear extension.

## 2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Partial demolition of an existing two storey rear return including chimney,
- Construction of an enlarged two storey rear return extension,
- Widening of existing ground floor rear window,
- Internal alterations, removal and replacement of existing roof finishes, structural repair works to walls, re-rendering, landscaping and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse permission for two reasons included below:

1. The proposed development by reason of its scale and design would have a serious and extensive impact on the architectural character of the Protected Structure and on the legibility of the original floor plan and building form. It would result in a significant loss of original fabric and compromise of natural lighting to two of the main reception rooms with a vista over the garden. The impact of the rear detracts greatly from the protected structure both in terms of architectural and historical character and of that of the wider terrace. The scale and size of this two storey extension, which would seriously injure the architectural character of the

Protected Structure and of adjacent Protected Structures, would set an undesirable precedent along the street.

2. The proposed development by reason of its height, scale, depth and overall design would have an overbearing impact and result in overshadowing of the adjoining residential properties. The development would have a material and negative impact on the residential amenity of the adjoining properties. The proposed development would therefore contravene the objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area.

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

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

The report of the area planner reflects the decision to refuse permission and noted the comments of the Conservation Officer which considered the proposed development would be a serious and extensive intervention of the Protected Structure.

The application was accompanied by the following documents:

- Structural Survey,
- Conservation Report and Design Statement,
- Photographic Survey,
- Statement of Impact.

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

Conservation Officer- Recommend Refusal.

Drainage Department- No objection to proposal.

### **3.3. Prescribed Bodies**

None received.

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

None received.

## 4.0 Planning History

None on the site.

## 5.0 Policy Context

5.1. Architectural Heritage Guidelines for Planning Authorities, 2004. Guidelines for the development of Protected Structures and within Architectural Conservation Areas.

### 5.2. Dublin City Development Plan 2016-2022

The site is located within an area zoned “*To protect and/or improve residential conservation areas amenities*”.

#### **Section 16.2.2.3** Alterations and Extensions to dwelling:

The proposed development should be confined to the rear in most cases, subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

The dwelling is a **Protected Structure** and in an area zoned as residential conservation, therefore the following policy and guidelines apply.

**Policy CHC1:** Preservation of the built heritage.

**Policy CHC2:** To ensure that the special interest of protected structures is protected.

**Policy CHC4 & CH5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

**Section 11.1.5.8:** Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted. The acceptability of demolition will be considered having regard to the impact on the character of the ACA.

**Appendix 24:** Protected Structures and Buildings in Conservation Areas.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from an agent on behalf of the applicant and may be summarised as follows:

- A similar development has been undertaken in an adjoining property (No 23, Reg Ref 2788/07, PL29S.225187) which included the removal of the original fabric on the rear return and modern interventions in the extension.
- A Conservation Engineer has been appointed to survey the building and assess the structural damage, whilst providing proposals to conserve the dwelling.
- The side wall of the rear return has to be demolished due to poor condition and associated safety concerns.
- The proposed development is located in entirety to the north and therefore there is no overshadowing.
- The design approach retains an element of traditional design and retains a gable/ pitched roof format.
- The proposal does not impact the wider terrace and has a limited localised impact.
- The two storey section of the proposed development is limited to a relatively short section of c. 3.8m of wall length.
- In relation to No 21 Mountpleasant Ave to the north, the impact is minimal as the two storey return currently exists, the length etc. will remain the same.
- In relation to No 22 Mountpleasant Ave to the south, the proposal is to the north and there are not windows proposed which would cause any overlooking. The courtyard with No 22 and No 23 partially overlaps.
- The Conservation officers report is noted and the following responses are included:

- The proposal includes the removal of structural defective fabric in the first instance and not demolition as suggested.
  - The sashes to the rear are not original and not historically correct replacements.
  - The applicants are willing to retain the first floor rear window should the Board require.
  - The first floor extension is required to make an unusable bedroom bigger and includes a bathroom.
  - The internal works can be undertaken without altering the staircase, however if required this element of the proposal can be removed to leave the existing staircase hallway.
- The applicant has submitted two alternative proposals with the first including the same as the application and retaining the window to the rear main room, chimney stack and the rear gable.
  - The second amended proposal includes:
    - Retention of the rear window in the main dwelling,
    - Retain existing rear gable wall,
    - Form a limited ope on the ground floor and first floor return side wall to connect new and old,
    - Relocated kitchen to the rear,
    - Reduce the proposed return ridge height by c. 300mm
    - Illustration included in Appendix B Drwg 1710 PLN 120.

## 6.2. Applicant Response

The applicant is the appellant.

## 6.3. Planning Authority Response

None received.

## 6.4. Observations

None received.

## 7.0 Assessment

7.1. The following assessment has regard to the revised plans submitted with the applicant's grounds of appeal and includes two additional options for the Board to consider for the extension of the dwelling. The first option includes the retention of part of the rear return (rear window for the main room, chimney stack and rear gable) and extension. The second option is accompanied by additional drawings and includes the retention of the rear window for the main room, retention of rear gable wall and elevation, increase in opes on the ground and first floor to connect a new extension and reduction in the height of the previously proposed return by c. 300mm. The amended designs were circulated to the Planning Authority and no response was received. The main issues in this appeal can be dealt with under the following headings:

- Built Heritage
- Residential Amenity
- Appropriate Assessment
- Environmental Impact Assessment

### **Built Heritage**

7.2. No. 22 Mountpleasant Ave Lower is a protected structure. The proposed development includes the removal of an existing two storey rear return (35.3m<sup>2</sup>) and construction of a new two storey rear extension (54.8m<sup>2</sup>). The proposed development was refused by the planning authority for two reasons including a negative impact on the protected structure and on the residential amenity of the residents in the vicinity. The grounds of appeal are submitted from the applicant who considers the proposal respects the character of the surrounding area and does not have a negative impact on the protected structure. I have addressed the issue of demolition and the rebuild separately below and included an assessment of the amended design submitted with the grounds of appeal.

- 7.3. Demolition- The proposal includes the removal of the entire two storey rear return on the dwelling. The report of the area planner integrates the comments from the Conservation Officer which refers to the extensive nature of the impact of the removal of the rear return and having regard to the loss of original fabric and design the proposed development would have a negative impact on the protected structure and the historical character of the wider terrace. The grounds of appeal submit that much of the rear return is not original and the amended design is in keeping with a previous grant of permission in the adjoining dwelling to the south, No 23 (Reg Ref 2788/07, PL29S.225187) and will make a positive construction on the area.
- 7.4. The planning application was accompanied by a Structural Survey, Conservation Report and Design Statement, Photographic Survey and Statement of Impact. The Structural Survey refers to the poor state and decay in the rear extension, the cracks on the gable and the bulging on the outward wall. The Conservation Report integrates the findings of the structural survey and states that the proposed development is required to provide reasonable living accommodation for a family and the rear extension will not be significantly visible from the surrounding area. The Statement of Impact referred to the impact of the removal of the rear return as significant although in light of the poor structural condition and inadequate floor to ceiling heights, the works were considered acceptable.
- 7.5. The reason for refusal refers to the impact of a significant loss of original fabric, the removal of natural light to the main reception rooms and the overall impact of the scale and bulk of the extension on the surrounding area.
- 7.6. Section 11.1.5.8 of the development plan provides guidance for the demolition of protected structures and buildings in Architectural Conservation Areas where works must make a positive contribution to protection structure and have regard to the impact on the character of the ACA. Guidance is provided in other sections of the development plan and Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities for demolition of structures and buildings in Architectural Conservation Areas and protected structures. Policy CHC2 of the development plan requires the removal of any features of special interest to be assessed in full in conjunction with any impact of the replacement on the character of the area. With this in mind I have assessed the features of interest of the current rear return.



- 7.7. I note the submitted conservation assessment failed to fully justify the necessity for the demolition of the entire rear return and the Statement of Impact considered the impact of the removal of the rear return significant. Whilst it is noted and acknowledged that the rear return is in a state of disrepair it is noted that a significant portion of it is still intact and the proposed development did not include any suggestions for the retention and integration of any of part of this rear return. The permission for the works to an adjoining property, No 23, did not include the full demolition of the rear return. Having regard to the amount of significant original material within the existing rear return which appears of an acceptable standard to retain I do not consider the removal of the entire rear return appropriate.
- 7.8. Therefore, having regard to the significant removal of an original rear return, which I consider is a feature of interest of the protected structure, I consider the entire demolition is not justified and the proposal would affect the character and setting of the main house.
- 7.9. Construction of Extension: No 22 Mounpleasant is bound to the rear by Garden View residential area and the rear of the current dwelling is visible from both Garden View and Prices Lane.
- 7.10. The proposed extension extends 7.5m to the rear, along the northern boundary similar to the existing return. The proposal includes an additional extension to the south of the return with a courtyard area between the rear of the existing dwelling and the proposed extension, similar to the design of the extension of the adjoining property to the south, No 23. The design of the extension includes a mix of traditional pitched roof along the northern extension and flat roofed contemporary style on the southern section. The proposal extends the full width of the rear garden.
- 7.11. The report of the Conservation Officer referenced the impact of the rear extension which they considered detracted from both the protected structure and the architectural and historical character of the wider terrace and considered the retention of the original rear return and a single storey extension appropriate to the site. The grounds of appeal do not consider the proposed extension will impact on the surrounding area as the overall length and height of the extension is similar.
- 7.12. Section 11.1.5.3 of the development plan includes guidance for new developments affecting protected structures and conservation areas where encouragement is

provided for the upgrade of structures that retain the features of conservation interest. As stated above the removal of the existing rear return is not considered appropriate and the submitted amended design is considered in detail below. The new contemporary extension is similar to the adjoining dwelling at No 23. The subject site and No 23 are both visible from the rear terrace, Garden View, although the subject site is in a more dominant position and any development will have a greater impact on the surrounding area. I note the design of the extension submitted for consideration to the Planning Authority extended across most of the width of the site and having regard to the location directly beside Garden View I consider the contemporary design would be inconsistent with the character of this terrace of dwellings and therefore I consider, having regard to the scale and bulk on the restricted site, it would have a negative impact on the character and setting of Garden View.

- 7.13. Amended Design: The applicant has submitted two additional amended proposals for the Board to consider in the event they do not consider the proposed development acceptable. The first proposal includes minor alterations to the original submitted design and having regard to my assessment above in relation to the features of interest in the rear return, I do not consider this proposal acceptable.
- 7.14. Option No 2 illustrated on Drwg 1710 PLN 120 , Appendix B of the grounds of appeal, includes the retention of the existing rear return and increase in opes on the ground floor (3.6m) and first floor (2m) to integrate a southern two storey extension which has a contemporary design, similar to the original submitted although greatly reduced in bulk. The proposal also includes an increase in the height of the ridge height of the existing gable extension by c. 0.7m and a reduction on the length of the first floor of the proposed southern extension is reduced in length, along the southern boundary, by c. 2m.
- 7.15. I consider this amended design addresses some of the concerns which I have raised above, which included the removal of a significant amount of original fabric and a significant reduction in the scale of the proposed extension. I note the amended design fails to include exact details on certain aspects of the proposal, such as the inclusion of the windows etc. although I consider these may be appropriately addressed through the inclusion of a condition.

7.16. Therefore, having regard to the inclusion of the rear gable and reduction in the southern extension I do not consider the design presented in Appendix B of the grounds of appeal would have a significant negative impact on the protected structure or the character of the surrounding area.

### **Residential Amenity**

7.17. In light of my assessment above I have assessed the impact of the proposal presented in Appendix B of the grounds of appeal which includes the retention of the existing rear return and new extension along the south. The first floor of the extension is located on the most eastern aspect of the rear return and will run along c. 2m adjoining the end of the rear courtyard at No. 23. The first floor window on the rear return serves a bathroom and those windows along the north of the rear extension of No 23 are fitted with opaque glazing.

7.18. Having regard to the orientation of the extension, north of No.23 and the design of the first floor at the most eastern point of the rear return, I do not consider the proposed development would have a negative impact on the amenity of the occupants of No 23 or those in the vicinity of the site.

### **Appropriate Assessment**

7.19. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

### **Environmental Impact Assessment**

7.20. Having regard to the nature and scale of the proposed development 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.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development and compliance with the provisions of the Dublin City Development Plan 2016-2022, in particular CHC 2& 4 Protected Structures and Conservation Areas, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenity of the area or have a negative impact of the character or setting of a Protected Structure or a conservation area. The proposed development 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 (Drwg 1710 PLN 120) received by An Bord Pleanála on the 17<sup>th</sup> of July 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. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards. Any replacement windows, rainwater etc shall match the existing.

(c) The inclusion of confirmation that the proposed roof tiles shall match the existing and the render finish to be used on the external walls shall be of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

3. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures ( as illustrated in Drwg 1710 PLN 120) shall be submitted to and agreed in writing with the

planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing rear walls and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

4. The developer shall comply with the following requirements in relation to the proposed/ restoration of the protected structure, which shall be carried out in accordance with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011):

(a) the replacement of any brickwork or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,

(b) the existing roof slates, chimney stacks and pots shall be retained, any replacement roof slates shall match the existing,

(c) where possible the remaining rainwater goods and bargeboard shall be repaired and reused, the replacement rainwater goods and bargeboard shall match the original in terms of design and materials,

(d) replacement windows shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Detailed elevation drawings to a scale of not less than 1:50, showings these amendments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure an appropriate standard of restoration works for this protected structure

5. 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

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

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Karen Hamilton  
Planning Inspector

25<sup>th</sup> of October 2018