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Bord  
Pleanála

## Inspector's Report ABP 302172-18

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<b>Development</b>	Alterations and addition of a first-floor bedroom extension at the rear of the existing end of terrace cottage.
<b>Location</b>	No 8 Francis Square, The Liberties, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	2989/18
<b>Applicant</b>	Etienne and Laura Pittion
<b>Type of Application</b>	Permission
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant</b>	Etienne and Laura Pittion
<b>Date of Inspection</b>	30 <sup>th</sup> October, 2018
<b>Inspector</b>	Jane Dennehy.

## 1.0 Site Location and Planning Context

- 1.1. The application site is that of single storey nineteenth century, end of terrace, worker's cottage, one of eight arranged on three sides around a small communal courtyard at the corner of John Dillon Street South and Hanover Lane between Patrick Street to the east and Francis Street to the west. The front entrance opens directly onto the communal courtyard and there is a small enclosed yard to the rear the boundary of which adjoins Hanover Lane. There is an extension, at upper floor level at the rear of No 5 Francis Square which abuts a three-storey building to the west side and it faces onto Hannover Lane. (P. A.3595/05 refers) There is no record of any planning history for the application site.
- 1.2. The location is within an area subject to the zoning objective: Z1: "*To protect, provide and improve residential amenities*" according to the Dublin City Development Plan, 2016-2022. Guidance and standards for development of extensions and alterations to dwellings are set out in Section 16.10.12 and in Appendix 17. The John Dillon Street area is also recognised in the Liberties Local Area Plan as a cohesive residential quarter with a clear architectural character in with positive existing characteristics which should be enhanced through restoration and sensitive infill. With consistency in scale of buildings being promoted.

## 2.0 The Planning Application.

### 2.1. The Proposed Development.

The application lodged with the planning authority indicates proposals for construction of a first floor extension at the rear in a box form over, and infilling the space over the existing ground floor to which internal and structural alterations are to be made to facilitate the addition of the upper floor extension which is to be flat roofed and finished with a charcoal black cladding in the elevations and zinc aluminium coated cladding at roof level.

### 2.2. Planning Authority Assessment.

The planning officer in his report noted the constrained nature of the site, lack of private open space, ridge height of the proposed extension above that of the existing cottage and, lack of privacy attainable for the occupants, in that windows overlooking

the lane and street.. Due also to the location on the prominent corner, it is commented that the proposed development would be overbearing and unsympathetic to the surrounding conservation area and it is stated that the development at No 5 Francis Square is not a desirable or relevant precedent.

The City Archaeologist's report notes the location within the Zone of Archaeological Constraint for recorded Monument DUO1-020 (Dublin City) and within the Zone of Archaeological Interest in the CDP.

### 2.3. **Planning Authority Decision**

The planning authority, by order dated, 30<sup>th</sup> July, 2018 decided to refuse permission on the basis of the following reason:

*“It is considered that the proposed development, by reason of scale, mass and height on this prominent corner site would be visually obtrusive in views from the corner of John Dillon Street and Hanover Lane and would be out of character with the established uniform scale and configuration of the surrounding dwelling within the Thomas Street and Environs Architectural Conservation Area. The proposed development would adversely affect the established historic character of the Architectural Conservation Area and set an undesirable precedent for the area and would therefore, be contrary to the stated provision of the Dublin City Development Plan, 2016-2022 and the proper planning and sustainable development of the area.”*

## 3.0 **The Appeal**

3.1. An appeal was received from MODA Architects on behalf of the applicants on 25<sup>th</sup> July, 2018 which includes some photomontage images of the proposed development. According to the Appeal, the planning authority's assessment and decision are flawed. It is submitted that:

- The proposed development accords with the zoning objective.
- The proposed extension which is for the upper floor does not alter the original footprint. The small open area forming the back yard which is 3.5 square metres in area is also retained. Inner city private open space standards should be relaxed. St Patrick's Park is in the immediate area.

- The height cannot be reduced if it is not to breach building regulation restrictions. It is equal in height of the two-storey extension at No 5 Francis Square where there is precedent, and it should be evaluated as a precedent for the proposed development. The roof is stepped back from the ridge and rises towards the edge over the bedrooms. There is no alternative option that would retain the existing gable ridge articulation and small sloped section of the original roof.
- It is not agreed that there are features that would be obliterated by the proposed extension. The existing extensions and parapets are not original or that the fenestration will give rise to privacy issues and doors and windows face the footpath at ground level. At No 5 a large window faces Hannover Lane. No 7, (the adjoining cottage) has a single storey extension over the entire plot with no rooflights and it will not be overshadowed
- The vacant plot at the rear on Hannover Lane is likely to be developed in the future. This would have a far greater impact on natural light and result in overshadowing of the dwellings on the side of the square adjacent to Hanover Lane.
- The proposed extension should be considered in the context of the three terraced two storey house which bookend John Dillon Street adjacent to Hanover Lane. They form a block that visually turns left to Hanover lane. There is a mature tree at the side the gable end which acts as a visual screen. The proposed extension is complementary rather than overbearing and domineering at the junction location.
- In additional remarks it is stated that the application is a well-considered architectural response to the applicant's requirements for additional living space within the inner-city location, without negative impact in the streetscape.

### 3.2. **Transportation Infrastructure Ireland. (Prescribed Body)**

In a letter to the Board dated, 2<sup>nd</sup> August, 2018 it is stated that the location of the proposed development is within the area of the Section 49 LUAS Cross (St Stephen's Green-Broombridge Line) Contribution Scheme and unless exempt, the

development would liable for payment of a supplementary section 49 development contribution.

## 4.0 **Assessment**

4.1. The issues considered central to the determination of the decision and considered below under the following two sub headings are:

- impact on the visual amenities and the established character of the surrounding built environment and,
- impact on the residential amenities of the existing property

### 4.2. **Impact on the visual amenities and the established character of the surrounding built environment**

4.2.1. The site location is within the inner city and within the Thomas Street and Environs Conservation Area and is characterised by small terraced nineteenth century cottages and two storey houses and by relatively recent infill development. At St Francis Square there are eight small terraced workers' cottages arranged around three sides of a communal courtyard. It is a small-scale cluster and a feature of interest within the area and in views on approach along Hannover Lane and John Dillon Street. These workers' cottages are a contributory feature to the architectural character of the area that is recognised in the Liberties Local Area Plan. The cottage subject of the application is a prominent corner site at the corner of John Dillon Street and Hannover Lane.

4.2.2. The proposed extension while contemporary in form and design and of interest itself, is inappropriate for the existing cottage and the site location. Notwithstanding the arrangement where the maximum roof height is toward the rear, over the bedroom space, away from the original roof ridge, is out of character with the established architectural character of the cluster of cottages at St. Francis Square. The form of the extension especially the gable end element, which is essentially vertical to a high parapet where it faces onto the corner of John Dillon Street is excessive in scale, mass and over dominant and obtrusive as opposed to being subordinate to the existing cottage. It is not visually sympathetic in scale to Francis Square and fails to achieve compatibility and complementarity as a positive bookend feature at the

end of John Dillon Street in which the dwellings and façade features are uniform, small scale and vertical in emphasis. To this end, it is considered that, as a result, the proposed extension has a negative rather than positive or enhancing impact on the existing cluster and established character of the historic buildings within the Thomas Street Architectural and Environs Conservation Area.

4.2.3. It is accepted that there is an authorised upper floor extension at No 5 St Francis Square, but it is not considered comparable for the purposes of taking relevant precedent for the current proposal. The location is removed from the appeal site at the back corner of St Francis Square and it abuts the gable end of a considerably larger apartment block of relatively recent construction facing onto Hannover Lane.

#### 4.3. **Impact on the residential amenities of the existing cottage.**

4.3.1. The constrained size and configuration of the site and the limited scope for development, owing to requirements for compliance with minimum building regulation standards are acknowledged and appreciated but it is considered that these limitations cannot be disregarded in favour of the proposed development of additional accommodation required by the applicant. However, it is agreed with the appellant's agent, that a flexible approach regarding lack of on-site private open space provision commensurate with the additional bed spaces is reasonable and is not at issue. The points made in the appeal as to the focus on communal use of the public realm in inner city living at this location regarding use of communal spaces and, the proximity to St Patrick's Park are considered reasonable. Historically, this would have been the case in inner city areas such as the Liberties.

4.3.2. The observations as to the lack attainable privacy and consequent residential amenity potential of the property attributable to windows being directly overlooking Hanover Lane are noted. The windows are upper floor as opposed ground floor windows, which, as is stated in the appeal, throughout the street and square are positioned directly at the footpath edge in the front facades. In the subject application, it is agreed with the planning officer that the fenestration is unacceptable in this regard owing to substandard attainable residential amenity. The scenario is indicative of overdevelopment.

#### **4.4. Environmental Impact Assessment Screening.**

- 4.4.1. Having regard to the minor nature of the proposed first floor extension and alterations to the existing cottage and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **4.5. Appropriate Assessment.**

- 4.5.1. Having regard to the scale and nature of the proposed development and to the minor nature of the proposed first floor extension and alterations to the existing cottage and its location in a serviced urban area, 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.

### **5.0 Recommendation**

- 5.1. In view of the foregoing it is recommended that the planning authority decision be upheld and, that permission be refused based on the reasons and considerations a draft of which is set out below.

### **Reasons and Considerations**

The site is at a prominent corner of John Dillon Street and Hanover Place within the area of Thomas Street and Environs Architectural Conservation Area and the Liberties Local Area Plan. It is that of an end of terrace worker's cottage at St Francis Square which is a cluster of small, terraced, nineteenth century single storey workers' cottages arranged around a small courtyard. It is considered that the proposed first floor extension, by reason of the form and mass, scale and height to the parapet, in excess of the height of the roof ridge of the existing cottage, is excessive in proportion and by reason of design, materials and fenestration detail, is visually obtrusive and detracts from the integrity, character and uniformity of the existing cottage and the cluster of cottages around St Francis Square. As a result,

the proposed development would seriously injure the visual amenities of the area, would adversely affect the established historic character and integrity of the Thomas Street and Environs Architectural Conservation Area and, would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
2<sup>nd</sup> November 2018.