



An  
Bord  
Pleanála

## Inspector's Report ABP-302226-18

### Development

#### PROTECTED STRUCTURE:

Demolition of conservatory. New extension for breakfast room & restaurant with new outdoor terrace. New enclosed coffee area over existing side extension with connection to public services

### Location

44, Lansdowne Road, Ballsbridge, Dublin 4

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

2988/18

### Applicant(s)

David Cao.

### Type of Application

Permission.

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

David Cao.

### Observer(s)

None.

**Date of Site Inspection**

31<sup>st</sup> of October 2018.

**Inspector**

Karen Hamilton

## 1.0 Site Location and Description

1.1. The subject site is located on the corner of Lansdowne Road and Shelbourne Road, Dublin 4. The site contains a large semi-detached three storey guesthouse, The Butlers Townhouse, with both pedestrian and vehicular access directly off Lansdowne Road and at the rear from Shelbourne Road. The building is a Protected Structure and there is a large modern three storey extension along the east of the site. The front boundary consists of a c.1.2m high iron railing fence with hedging and there is a high 2m high brick wall along the Shelbourne Road boundary.

## 2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Demolition of rear conservatory,
- New extension (c. 65m<sup>2</sup>) for breakfast room & restaurant with new outdoor terrace,
- New outdoor partially covered terrace (c. 76m<sup>2</sup>) connected to the existing side extension,
- All necessary ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse permission for the following two reasons:

1. The proposed development to extend a protected structure located in a Residential Conservation area would result in overdevelopment of the site and would seriously injure the special architectural character and setting of the Protected Structure and neighbouring Protected Structures by virtue of its form, scale, height, portions, siting and materials. As such it would contravene Policy 11.1.5.5.3 of the Dublin City Council Development Plan 2016-2022 and would set an undesirable precedent along the street.

2. The proposal would result in a significant loss of original fabric in terms of the historic wall which forms the curtilage of the Protected Structure which would result in an undue negative impact on character and setting of the Protected Structure and would be seriously injurious to the amenities of the Z2 area.

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

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

The report of the area planner reflects the decision to refuse permission and refers to the guidance in Section 11.1.5.3 of the development plan, extensions and alterations to protected structures, and the recommendation of the Conservation Officer and it was concluded that the proposal would lead to overdevelopment on the site and would have a significant negative impact on the protected structure.

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

Drainage Division- No objection to proposal.

Conservation Officer- Recommend refusal.

### **3.3. Prescribed Bodies**

None received.

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

A number of observations were submitted to the planning authority and the issues raised are summarised below:

- The proposed works would have a negative impact on the protected historical nature of the building and those of Landsdowne Road.
- The increased activity of the coffee bar and restaurant would have a negative impact on an already commercialised area and parking and traffic are already under pressure.
- The design of the extension does not add to the character of the protected structure.

- The proposed location of the balcony would overlook adjoining residential properties.
- The proposal is overdevelopment on the site.
- There is currently a significant amount of development in the vicinity.

## 4.0 Planning History

### Reg Ref 3128/11

Permission refused for a change of use from Guesthouse to Hotel use because the site was located on lands zoned Z2, Residential Conservation and the proposed development was not permissible or open for consideration in this zoning.

### Reg Ref 2552/96

Planning permission granted for a single storey conservatory to the rear side of an approved guesthouse.

### PL29S.097789 (Reg Ref 1953/95)

Permission granted for a change of use to guesthouse incorporating partial demolitions of rear and side annexes and provision of 2, 3 & 4 storey extensions to the side and rear to accommodate 22 bedrooms and associated works.

## 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, Z2, Residential Conservation, where it is an objective "*To protect and/or improve residential conservation areas amenities*".

The dwelling is a **Protected Structure** 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.

To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage and changes of use which will have no detrimental impact on the special interest and are compatible with the future long-term conservation of the building.

**Policy CHC4 & CHC5:** 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.

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

### 5.3. **Natural Heritage Designations**

None relevant.

## 6.0 **The Appeal**

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

The grounds of appeal are submitted from an agent on behalf of the applicant and the issues raised are summarised below:

- The design is sensitive to the architectural detail of the protected structure.
- The selection and detail of scale, proportions and design reflect the existing materials.
- The proposed tensile canopy is an independent structure which would not detract from the Shelbourne Road façade.
- The use of the “tented” structure would be a light intervention and could even be considered a temporary.
- The proposed development does not contravene Section 11.1.5.5.3 of the development plan.

- The Conservation report clearly shows a mix of established architecture in the area and concludes that the proposed development would not have a significant negative impact on the nearby historic buildings or streetscape.
- The glazed area would be low key and not conflict with the character of the original building and be a distance from the original house.
- In relation to Condition No 2, it is proposed to set back a section of the Shelbourne Road wall boundary with the inclusion of a glazed section and window seat which would allow and promote views from the Breakfast Room and Restaurant.
- The design proposal will enhance the existing building and streetscape.
- The proposed window seat in the historic wall can be omitted without affecting the overall scheme, as there are internal windows and doors proposed.

## 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 main issues in this appeal and can be dealt with under the following headings:

- Principle of Development
- Built Heritage
- Car parking
- Appropriate Assessment
- Environmental Impact Assessment

## **Principle of Development**

- 7.2. The proposed development includes alterations and an extension to an existing Guesthouse. The report of the area planner references the absence of detailed information in the application in relation to the exact use of the new rooms listed as breakfast room and lounge. Observations submitted to the planning authority refer to the impact of additional commercial uses on the existing residential area. I note the submitted plans include a breakfast room on the ground floor and a coffee area on the first floor on the extended terrace and I consider it reasonable to assume that these activities are associated with the existing use on the site.
- 7.3. Therefore, having regard to the use of the extension as a Breakfast Room and the commercial nature of the site I have no objection to the principle of the proposed development subject to complying with other planning requirements as addressed in the following sections.

## **Built Heritage**

- 7.4. No 44 Landsdowne Road is a Protected Structure and is located on lands zoned Z2, Residential Conservation, where it is an objective "To protect and/or improve residential conservation areas amenities". The proposal includes alterations and extensions to the east of the existing building.
- 7.5. The reasons for refusal state that the proposed development would cause overdevelopment on the site and the design and form of the proposed extension would have a negative impact on the character and setting of the protected structure and surrounding area and would be contrary to the guidance in Section 11.1.5.5.3 of the development plan. In addition, the proposed works to the wall along Shelbourne Road where considered unacceptable.
- 7.6. The grounds of appeal, submitted from the applicant in relation to the refusal, considers the overall design of the proposed extension is a light intervention to the protected structure and the proposed tented feature may even be considered as temporary. It is considered that the overall development will enhance the existing building and surrounding streetscape.
- 7.7. The proposal includes the removal of a modern rear conservatory which does not contain any features which add to the character of the original building. The proposed additions are contemporary in design, the existing terrace is covered with



large glazed panels. The ground floor extension connects to the existing wall along Shelbourne Road and alterations include a new opening within the boundary wall for a window associated with the extended breakfast room.

- 7.8. A Conservation Assessment accompanied the application which details the history of the site and refers to the modern addition of the 3 storey extension along the east of the existing building and concludes that the proposed development will not have a negative impact on the features of interest of the protected structure.
- 7.9. Policy CHC2 and Section 11.1.5.5.3 of the development plan includes detailed guidance for alterations and extensions to protected structures where any proposal should contribute to the features of special interest, incorporate high standards of craftsmanship and the design, form, scale, height, proportions, siting and materials of new development should complement the special character. In addition, Policy CHC4 of the development plan requires that development in conservation areas will not constitute a visually obtrusive or dominant form and contemporary architecture should be of an exceptional design quality which is in harmony with the conservation area.
- 7.10. I note the characteristics of the original building, which include the red bricked façade and sash windows matching those similar properties in the vicinity. In addition, I consider the boundary treatment, which includes a mix of iron railings and brick walls are also a characteristic of these properties and relate to the character of the surrounding area.
- 7.11. The design of the extension and alteration to the boundary wall on the ground floor includes a window fronting onto Shelbourne Road altering those features of special interest which are a characteristic of the area and will have a negative impact on the streetscape along Shelbourne Road. An area of substantial glazing is proposed to cover the existing first floor terrace and whilst I consider this glazing area would not have a significant negative impact on the existing dwelling, I consider in combination with the tensile canopy structure proposed over the first floor of the new “Breakfast Room” the overall development would create a dominate feature along the east of the site which would be extremely visual from both Lansdowne Road and Shelbourne Road. As acknowledged in the submission from the grounds of appeal, I consider this tensile structure appears temporary in nature and I do not consider the

overall design of the extension is of an exceptional design quality, nor do I consider it complements the features of interest of the protected structure.

- 7.12. Therefore, having regard to the dominant location of the site on the corner of Lansdowne Road and Shelbourne Road, the overall scale and design of the extension and quality of materials proposed, I consider the proposal will have a negative impact on the character and setting of both the protected structure and the residential conservation area and would be contrary to guidance in the development plan, in particular Policy CHC2, CHC4 and Section 11.1.5.5.3.

### **Car parking**

- 7.13. The proposed development relates to the extension of an existing Guesthouse. As stated above, observations submitted to the planning application referred to the commercial nature of the extension and included specific concern in relation to an increase in associated traffic generated from the overall development. Whilst I consider the proposed use of the breakfast room on the ground floor may be linked to the overall principle use on the site, it is of note this extension covers an area currently used for parking for the principle use and includes an entrance which fronts onto Shelbourne Road would further restrict vehicular access into the site.
- 7.14. The site is located in Zone 2 of Map J of the development plan. Table 16.1 of the development plan requires 1 car parking spaces per 3 bedrooms for guesthouses within this zone. Whilst I note there is no increase in the bedroom numbers the proposed development does not include any specific details in relation to the relocation of those car parking spaces which will be lost within the site to accommodate the extension. As the site is located along a busy main road which leads into the City Centre the proposed development would lead to a potential for on –street parking or unsatisfactory turning which will have a negative impact on the movement of traffic and cause a traffic hazard.

### **Appropriate Assessment.**

- 7.15. 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**

- 7.16. 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 refused for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

1. No 44 Landsdowne Road is a Protected Structure located on the corner of Landsdowne Road and Shelbourne Road, a dominant site leading into Dublin City Centre and is located on lands zoned as Z2, Residential Conservation, where it is an objective to *“To protect and/or improve residential conservation areas amenities”*. The proposed development includes alterations and extensions to the existing Guesthouse along the eastern elevation adjoining the main road which by reason of its overall layout, and its scale, height, massing and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of protected structure and of the streetscape generally. The proposed development would, therefore, be contrary to the Dublin City Development Plan 2016-2022, in particular Policy CHC2, CHC4 and Section 11.1.5.5.3, and would materially and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area
2. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces for the Guesthouse, would be seriously deficient and would be inadequate to cater for

the parking demand generated by the use on the site, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion

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Karen Hamilton  
Planning Inspector

05<sup>th</sup> of November 2018