



Development

Change of use from office to single dwelling residential

- (a) Repointing of the front façade in a traditional tuck lime joint.
- (b) Refurbishment re-glazing of the existing up and down sash windows with slim line double glaze units.
- (c) Reinstatement of the existing main roof & flashings in natural slate & copper respectively and new inspection rooflight.
- (d) Refurbishment and reconfiguration of the previous reconfigured existing rear return, including new fenestration, partitions, new structural opes. External walling and cladding, additional floor area, rooflights at all levels.
- (e) An external terrace at the entrance floor and associated screening to the rear.
- (f) Removal, reuse and reorientation of the existing external return granite staircase & associated railings to the interior of the rear return.
- (g) New structural opes, partitions, folding screens, kitchen, utility and bathroom at the basement floor levels to the main house
- (h) Removal of the existing internal non-original staircase to basement & provision of a new WC at ground floor level along with associated internal amendments and new opes.
- (i) New opes, partitions and bathrooms at second floor level to the main house,
- (j) Provision of new vehicular entrance gates & pedestrian entrance to

the front of the property.

(k) The provision of a '*brise soleil*' privacy screen at ground floor level to the rear of the property set back from all boundaries.

(l) All associated site works and architectural landscaping to the front and rear of the property.

Location	57, Waterloo Road, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4063/17
Applicant(s)	Johnston & Robert Haire.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Johnston & Robert Haire.
Observer(s)	None.
Date of Site Inspection	12 th November 2018.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 305m² and comprises No 57 Waterloo Road, in Dublin 4. No 57 is protected structure Ref 8302 and lies approximately midway along the western side of Waterloo Road. The property is described as a double-pile, 2 bay, 2 storey over garden-level residence constructed circa 1846. No 57 was originally built as a pair with no 59 although it later became part of a terrace by c1856.
- 1.2. In common with the other houses on the road the façade of the dwelling includes a hall door approached by granite steps. A single window lights the *piano nobile* level with two windows to upper level. Brickwork on the façade is slightly darker than that on No 55. Garden level is signalled by a granite stringcourse over a painted lower section also in granite. A Wyatt window lights the interior space. Windows above are 6 over 6 pane timber sashes with granite cills. The doorcase is flanked by painted fluted columns, frieze and cornice. The rear elevation of the dwelling is dominated by a large return rendered in grey cement and topped with a flat roof and corner chimney stack. A simple flight of granite steps with iron handrail accesses the garden from the ground floor level. Internally interior decorative schemes survive best at hall level which comprises the hall and two main reception rooms.
- 1.3. The original property has been subdivided and a mews dwelling has been constructed to the rear of the site onto Waterloo Lane. The structure had been modified for use as office accommodation since 1970 and is currently vacant.

2.0 Proposed Development

- 2.1. The proposal seeks to provide for the following
 - (a) Change of use from office to single dwelling.
 - (b) Repointing of the front façade in a traditional tuck lime joint.
 - (c) Refurbishment re-glazing of existing up and down sash windows with slim line double glaze units.

- (d) Reinstatement of the existing main roof and flashings in natural slate and copper respectively and a new inspection rooflight.
- (e) Refurbishment and reconfiguration of the previous reconfigured existing rear return, to the rear of the property including new fenestration, partitions, new structural opes. External walling and cladding, additional floor area, rooflights at all levels.
- (f) An external terrace at the entrance floor and associated screening to the rear of the property.
- (g) The removal, reuse and reorientation of the existing external return granite staircase and associated railings to the interior of the rear return.
- (h) New structural opes, partitions, folding screens, kitchen, utility and bathroom at the basement floor levels to the main house
- (i) The removal of the existing internal non-original staircase to the basement and the provision of a new WC at ground floor level along with associated internal amendments and new opes.
- (j) New opes, partitions and bathrooms at second floor level to the main house,
- (k) The provision of new vehicular entrance gates into the existing ope and new pedestrian entrance gate and ope to the front of the property.
- (l) The provision of a 'brise soleil' privacy screen at ground floor level to the rear of the property set back from all boundaries.
- (m) All associated site works and architectural landscaping to the front and rear of the property.

2.2 I note that during the course of the application to Dublin City Council and specifically in response to a request for additional information some amendments were made to the proposal including provision for increased setback of the rear return from the rear elevation window reveal to avoid interruption of the existing cill. Proposed privacy screen was omitted and the extent of glazing to the rear ground floor level reduced. Vertical louvres were proposed to mitigate overlooking. Cladding of the rear return is proposed in accoya wood with golden honey teak finish. Landscaping proposal

includes pleached hornbeam boundary planting and mature bamboo planting. Details were clarified with regard to the schedule of repairs and record of surviving glass. It is proposed that where historic glass is surviving it will be retained and reused in existing rear windows. 12mm slimline double-glazed units are proposed to the front of the property. In relation to proposal for repair and repointing of existing brickwork, it is proposed to non-abrasively clean the surface of the brickwork. It is proposed to provide a traditional tuck or wiggled joint with a 2:1 sand:NHL 3.5mix backing mortar and a 1:1 Sand : NHL2 or lime putty tuck joint cut back to 4mm.

3.0 Planning Authority Decision

3.1. Decision

By order dated 14 June 2018. Dublin City Council issued notification of its decision to refuse permission for the following reasons:

“The proposed development for works to a protected structure and within its curtilage would be seriously injurious to the special architectural character of the protected structure and the adjoining protected structures by virtue of its design, form, scale, height, proportions and materials.

It would result in a significant loss of original fabric intrinsic to the character of the protected structure such as the historic stone steps at the rear return and their reinstatement, the significant removal of fabric to accommodate new services in the main house and, the removal of openings to accommodate new rooms in the main house. All of which would seriously injure the architectural character of the protected structure.

The proposal would contravene Policy 11.1.5.3 of the Dublin City Council Development Plan 2016-2022 and would set an undesirable precedent.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's initial report welcomes the proposal for change of use to dwellinghouse. Concerns are expressed with regard to the nature of proposed works to rear return. Removal of original steps and widening of the return will have an impact on the aspect from the window of the main reception room to the rear and return would cease to be subordinate to the main structure. Further concerns relate to the extent of glazing on the southern elevation necessitating the 4.5m screening proposal to prevent overlooking of neighbouring properties. The elevated terrace at upper level results in overlooking and detracts from the appearance and setting of the protected structures. While no 55 has previously been granted permission for similar terrace structure under 3718/05 this was under different development plan. Report recommend additional information to address concerns.

3.2.1.2 A request for additional information issued seeking proposals to reduce the impact of works to the rear return. Applicant was also requested to provide schedule of repairs to existing windows, clarify entrance and provide a method statement for protection of historic fabric, methodology for brickwork raking out and repointing and set out mechanical and ventilation services.

3.2.1.3 Planners second report acknowledges the amendments to the proposal however maintains the view that the proposed interventions detract from the character of the protected structure including mitigation measures to address overlooking. Refusal was recommended.

3.2.2. Other Technical Reports

3.2.2.1 Engineering Department report indicates no objection subject to compliance with standard requirements including The Greater Dublin Regional Code of Practice for Drainage works, provision of separate drainage systems, SUDS, private drain fittings within the site boundary.

3.2.2.2 Conservation Officer's report asserts that the proposed change of use will have a beneficial impact. Notes visual impact of repointing will be significant. Proposed replacement of original glass with slimline double-glazed units is not acceptable due to the loss of original historic fabric and potential impact on functionality of the windows. It is recommended that secondary glazing be installed if required providing that the historic shutters are fully refurbished and remain functional. The impact of a

heavier glazing system could affect the structural integrity of the existing windows and glazing bars. Reinstatement of roof and flashings should be in accordance with best conservation practice. Concerns are expressed with regard to the proposed refurbishment and reconfiguration of the rear return. The demolition of the original return which forms part of the character of the building of Regional Significance is not justified and will have a significant detrimental impact on the character and integrity of the protected structure. Additional terrace and screening to rear of the property will seriously injure the amenities and setting of the protected structure and adjoining protected structures. Removal of stone cantilevered staircase of concern. Internal alterations are generally considered to be acceptable as the original plan form is still legible providing that all existing historic joinery is retained and made good where required. Careful co-ordination of services to ensembles and bathrooms on top floor is required to minimise impact on floor joists and decorative ceiling below and ventilation of internal rooms should be carefully considered. Surviving decorative railings and stone plinth at entrance should be accurately recorded and retained.

3.2.2.3 Conservation Officer's report following further information asserts that the serious concerns relation to the proposed works to the rear return as well as inside the original building remain.

Dismantling of the existing cantilevered stone staircase connecting the garden with the ground floor level and their reinstatement within the building envelope at the opposite side of the return is a risky strategy and is unlikely that the original stone steps will survive such a move. Original stone steps linking a Victorian house to its garden are becoming increasingly rare, therefore it is considered to be an unacceptable loss of historic fabric. The demolition of an original return which forms part of the character of this building which is considered to be of regional significance is not justified and will have a significant detrimental impact on the character and integrity of the protected structure. The proposed terrace and perimeter screen will seriously injure the amenities and setting of the protected structure and adjoining protected structures. Design, form, materials and fenestration of the new façade to the rear return do not acknowledge the special characteristics of the protected structure. The use of timber externally is often unsuitable in Irish climates due to weathering characteristics. In relation to reprinting it is likely that the pointing to the front façade would have historically been a wiggled pointing rather than the tuck

pointing proposed. Further study is required and use of NHL2 Lime Mortar is more appropriate. Refusal recommended.

3.3. **Prescribed Bodies**

File referred to Department of Culture Heritage and the Gaeltacht, Fáilte Ireland, and An Comhairle Ealaíon. No response was received.

3.4. **Third Party Observations**

There were no third party observations on the appeal file.

4.0 **Planning History**

3139/17. Permission was refused for change of use from office to single dwelling residential use refurbishment of main structure reconfiguration of rear return external terrace and associated screening to rear, landscaping works and new vehicular entrance. Grounds of refusal referred to overbearing impact on adjoining residential properties.

0155/06 Section 5 query submitted with regards to works to protected structures. Exemption certificate granted.

Adjoining Protected Structure no 55 Waterloo Road.

3718/05 Permission granted 10th October 2005 for demolition of 3 storey return and provision of new 3 storey extension.

5.0 **Policy Context**

5.1. **Development Plan**

- The Dublin City Development Plan 2016-2022 refers.
- The site is zoned Z2. "To protect and/or improve the amenities of residential conservation areas".

- 11.1.5.3 Protected Structures – *“Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structures. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.*

Where possible, existing detailing, fabric and features of the structure should be preserved, repaired or, if missing or obscured, should be re-instated or revealed. In almost all cases, the materials used for alterations, extensions or repairs should match the original and the use of non- traditional materials will not normally be acceptable. Original and historic fabric should be retained and protected, wherever possible.”

- Policies for the protection of the special character of designated conservation areas are set out under Section 11.1.5.4 and Policy Objective CHC4.
- Guidance and standards for residential extensions and alterations to dwellings are set out in Section 16.10.12.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The Grounds of appeal are submitted by Ailtireacht, Architectural Practice on behalf of the first party and include a statement of Conservation Considerations by Franc Myles, Archaeology and Built Heritage. A revised set of drawings accompany the appeal setting out further modifications to the proposal. Grounds of appeal are summarised as follows:

- Grounds of refusal are unsustainable on conservation grounds.
- The approach to the protected structure accords best conservation practice nationally and internationally.
- Revised scope of works as detailed on drawings attached include amendments both to the design and proposal for privacy screens.

- Applicant has commissioned artist Caoimhe Kilfeather to carry out the site-specific screens installation to the rear and side of the property.
- Proposal seeks to mitigate, augment, reframe and compliment the primary structure and its specific significance through the provision of legible articulate contemporary interventions which provide service spaces for sustainable use of the protected structure as a single family dwelling.
- The architectural significance and sustainability of the protected structure has been significantly eroded and threatened by the excessive truncation of the curtilage to the rear of the protected structure in the provision of crude and ad-hoc mews dwelling.
- Rear private amenity space is oppressive and excessively overlooked from all neighbouring properties.
- Proposal seeks to recast the return as a link to the garden space.
- Screens transform the rear garden from an oppressive overlooked space into a private sculptural garden.
- Currently the rear return is crudely appended to the primary structure. It suffers from no architectural articulation of use, tectonic or form relative to the primary structure.
- Top floor to the extension is crudely detailed and articulated in its relationship with the primary protected structure and detracts from the architectural significance of the protected structure. The proposal retains the footprint and articulates as an architectural memory of the original floor print of the return.
- Use of materials such as hardwood, brass, tempered glass, cast iron and original granite offer an appropriate complimentary palette to the primary structure.
- Adjoining protected structures have developed over time with and without the benefit of planning permission for the provision of first floor terrace structures.
- The context of the original granite stone steps has already been significantly materially altered. To insist on their retention is inappropriate.

- Reuse internally assists in the conservation of the overall protected structure and its sustainable use.
- As part of revised proposals the extent of the original plan format at basement has been retained along with the omission of the proposed ensuite to the rear bedroom at first floor level.
- Existing floorboards to be retained and reused as part of the works and the insertion of bathing facilities within the architectural pavilions or pods is well established along with the sensitive servicing of same within the limitations of the original spaces and decorative schemes.
- Interventions as proposed accord with best practice and conservation principles outlined in the design and access statement appended to the appeal and the charters of Venice and Burra respectively.
- The cultural significance of the protected structure, will not be affected by the works as proposed save by the active conservation of the primary features of the house such as windows, railings, brickwork and original roof of the primary structure.
- The rear return will provide the service space currently lacking within the structure and the use of a contemporary aesthetic in a layered and legible architectural composition will contribute to the enjoyment of the place internally and externally.
- None of the works will have impact on streetscape or be visible from public realm.
- The proposed alterations respect the character and significance of the house while addressing its shortcomings in the provision of the facilities of modern contemporary family life.

6.2. Planning Authority Response

The Planning Authority did not respond to the appeal.

6.3. Observations

The Board referred the file for comment to a number of prescribed bodies including Fáilte Ireland, Department of Culture, Heritage and the Gaeltacht, An Comhairle Ealaíon. No observations were made on the appeal.

7.0 Assessment

7.1 Having examined the file, visited the site and considered the proposal in the context of the prevailing local and national policies I consider that the principle of the proposed change of use from office use to residential dwelling is welcome and the key issues arising relate to the detail of the proposal and the impact of the proposed works on the special architectural character of the protected structure. The issues of appropriate assessment and Environmental Impact Assessment Screening also need to be addressed.

7.2 As regards the refurbishment and upgrade works to the existing house, I note that the significant original fabric is well documented within the documentation accompanying the application. I note the positive elements of the proposal in terms of reverting the use of the protected structure to residential use and provision of a modern standard of residential accommodation to ensure the sustained use of the building into the future. The proposed reinstatement of the main roof and flashings executed in accordance with best conservation practice will have a beneficial impact on the protected structure.

7.3 On the matter of the proposed insertion of double glazing to windows to front elevation, I note the concerns of the Council's Conservation Officer with regard to the potential impact of insertion of double glazing on the structural integrity of the glazing bars and the functionality of the windows. Such interventions give rise to potential for loss of historic fabric and reference is made to Para 10.7.3 *Double Glazing and Secondary Glazing* of the Architectural Heritage Protection Guidelines, Department of Environment Heritage and Local Government, which states that *"The installation of double glazing to protected structures is problematic and should generally not be*

permitted where original or early windows exist." I note that alternative measures including secondary glazing to address noise insulation and thermal insulation are recommended.

- 7.4 As regards the removal of existing cementitious based mortar and the conservation methodology for brickwork repointing and façade repair, I note that within the grounds of appeal additional research is proposed with regard to confirming the nature of the original pointing. It is proposed to provide a wiggled pointing should this be supported by an examination of adjoining structures. I consider that this approach is in accordance with the recommendations of the Architectural Heritage Protection Guidelines and this detailed matter can be subject to further agreement.
- 7.5 As regard the internal alterations for the provision of services including ensuites and bathrooms I note that within the response to the appeal an ensuite to bedroom 4 was omitted and it is contended that careful co-ordination of water supply, ventilation and drainage will protect and minimise impact on floor joists and decorative ceiling below. I consider that this is appropriate and advocate implementation of the development under the direction of an architect with specialist expertise in historic building conservation. Various internal alterations are considered appropriate as the original planform is being respected.
- 7.6 With regard to the works to the front curtilage and front boundary treatment the proposals are considered to be compatible with the protection and preservation of the established street frontage.
- 7.7 The reconfiguration of the rear return is the issue of greatest contention within the development proposed. The current structure incorporates the original rear return which clearly forms part of the character of the building as is acknowledged by all parties. However, the first party contends within the grounds of appeal that the proposal for reconfiguration will see an amelioration of the appearance of the rear elevation. It is intended to remove and reposition the cantilevered flight of granite

steps to the rear return internally. The report by the Conservation Officer notes the risk involved in such a strategy and contends that such a loss of historic fabric has not been justified. Other concerns relate to the design, form, materials and fenestration.

- 7.8 I note the arguments raised within the first party appeal with regard to the extent of overlooking of the existing rear garden and the implications of previous development including subdivision of the site to facilitate the development of a mews dwelling and previous permission for rear extension including raised terrace to no 55. Whilst the question of precedent has been considered and the extent of overlooking is noted it is appropriate that the proposed development should be considered on its own merit in the context of the protected status of the structure within a residential conservation area. I note the provisions of the Dublin City Development Plan at 11.1.5.3 Protected Structures which provides that interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structures. Account should be taken to the evolution of the structure and later phases of work, which may also contribute to its special interest.
- 7.9 In my view the interventions proposed to the rear return including the provision for extensive glazing necessitating the provision of screens and sculptural artwork arrays to mitigate overlooking have not been justified and would result in significant negative impact on the integrity of the protected structures and adjacent protected structures. I further share concerns with regard to the use of timber cladding to the return. Whilst I consider the contemporary reimagining of the structure to be appropriate in my view the proposed design response and format is incompatible with the established form and features of the existing and adjoining historic buildings.
- 7.10 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that 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.

7.11 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded.

8.0 Recommendation

8.1. Having regard to the above assessment I recommend that planning permission be refused for the reasons and considerations as set out below.

Reasons and Considerations

Having regard to the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht, 2004 and to Sections 11.1.5.3 of the Dublin City Development Plan 2016-2022 it is considered that the detailed design, form and finish of the proposed reconfiguration of the rear return would result in significant loss of historic fabric and would be seriously injurious to the special architectural character of the protected structure and the adjacent protected structures. The proposed development by reason of its design response and finish would adversely affect the character and setting of the protected structure and would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

12th November 2018