



An
Bord
Pleanála

inspector's Report ABP-302849-18

Development

PROTECTED STRUCTURE:

Construction of a house and ancillary site works.

Location

Site at Leeson Place, to the rear of 40, Leeson Street Lower, Dublin 2

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2888/18

Applicant

Mike Carthy

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Damien O'Flaherty

Observers

TII

Date of Site Inspection

14th February 2019

Inspector

Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Leeson Place, to the rear of 40, Leeson Street Lower, Dublin 2. It comprises the rear portion of a site on Leeson Street Lower which has frontage also to Leeson Place. Leeson Place is a laneway running from Adelaide Road serving the rear of properties on Leeson Street Lower along one side and with the grounds of the Adelaide Hospital (Royal Victoria Eye and Ear Hospital) along the other. The site is accessed from Leeson Place by a gateway closed by an iron gate which provides access to a hard-surfaced area used as car-parking for the existing building No.40, Leeson Street Lower, a mid terrace, two bay, four storey over basement Georgian townhouse, which is a protected structure.
- 1.1.2. An original coach house in semi-derelict condition, and currently being developed, survives on the adjoining property at the rear of 41 Leeson St/ 41 Leeson Place. Leeson Place has been developed over time along the original building line of the coach houses as Mews houses of different styles.
- 1.1.3. The original stone boundary walls survive along both sides of the subject site and over part of the boundary with the laneway.
- 1.1.4. The site is given as 461m², this includes the area extending to Leeson Street. The area within the red line boundary is just in excess of 200m².

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of a house and ancillary site works. The development consists of a three-storey dwelling with an overall height of 9.05m, being a similar height to the dwellings to the north. It comprises living accommodation at ground floor level with bedrooms at first and second floor level. A single storey projection to the rear at ground floor extends the floor-plate at ground floor level. The second level is contained within a slate or zinc clad attic level with dormer window projections. The existing stone wall to Leeson Place is proposed to be altered to facilitate pedestrian access, in addition to the existing vehicular access.
- 2.1.2. A context elevation is provided in the Conservation Statement accompanying the planning application.
- 2.1.3. The floor area is given as 196.5m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 10 conditions, including:

2 €16,977.60 development charge.

3 €2,000 development charge for LUAS cross city.

4 The works hereby approved shall be carried out under the professional supervision on-site of an architect or expert with specialised conservation expertise, in accordance with the Department of Environment, Community and Local Government, Architectural Heritage Protection Guidelines for Planning Authorities and in accordance with Best Conservation Practice.

Reason: To ensure that the integrity of this protected structure is maintained and that all works are carried out in accordance with best conservation practice

5 construction noise

6 construction hours.

7 street cleaning

8 various codes of practice.

9 drainage code of practice and other drainage conditions.

10 Roads requirements including construction management and: 'Gates shall be inward opening only and shall not open onto the adjoining laneway.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first, recommending a request for further information, on the single point raised in the Roads & Traffic Planning Division report, which FI request issued, includes:

- Outlining compliance with development plan standards, that the existing stone boundary walls will be retained, that the height is acceptable; that a single parking space is acceptable.

3.3. Other Technical Reports

3.4. Drainage Division, Engineering Department – conditions.

3.5. Roads & Traffic Planning Division

The report, recommending a request for additional information (included in the request which issued), includes:

Leeson Place is approx. 5.8m in width, the requirement is 4.8-5.5m. It is proposed to provide 1 off street parking space to the front of the dwelling, this is acceptable. It is noted that 40 Leeson St Lr is within the ownership of the applicant. The Division has concerns that the development may lead to overspill parking on Leeson Place, and it would be difficult to facilitate cycle parking for the office use and would limit options for sustainable modes of travel to the office by employees.

3.6. Conservation Officer's Report – states that no conservation officer review was undertaken.

3.7. **Further information**

3.8. The further information request, issued 27th June 2018, requests information on 1 point:

- The applicant is requested to clarify existing parking and refuse collection arrangements for 40 Leeson St Lr and the new arrangements arising from the proposed development. The applicant is requested to explore options to maintain access to the rear of 40 Leeson Street Lower.

3.8.1. Further information was submitted on the 6th September 2018, which included:

- The site is unsuitable for parking, being too narrow.
- The development plan standards for parking are maximum; and it is development plan policy to promote a modal shift; proximity to public transport services is noted, and the Dublin Bikes Scheme.
- No 40 can accommodate a similar arrangement to other buildings along Leeson St which have access to bicycle parking to the rear through the main door.
- Refuse collection – the weekly collection for bagged refuse will not be affected. There will be bagged refuse collection for the mews similar to other mews houses

adjoining. Per attached report, the proposed mews does not affect the means of escape from No 40 Leeson St.

- 3.8.2. The report from Robin Knox & Associates, Fire & Building Regulations Consultants includes:

Noting that the basement is detached from the upper floors.

The proposed mews does not affect the means of escape from No 40 Lower Leeson Street or its basement.

3.9. Further Reports

3.10. Planning Report

- 3.10.1. The second planning report (27th September 2018) recommends permission, which issued.

3.11. Roads & Traffic Planning Division

- 3.11.1. The second Roads & Traffic Planning Division report recommends permission.

- 3.11.2. The second Conservation Officer's (CO) Report dated 8th October 2018, follows the date of the decision to grant permission. The report recommending conditions includes:

The development context is within a late Georgian character area to the rear of a substantially intact and authentic Georgian Terrace. The building plot of the subject historical site is intact which is of significance but the former coach house structure has been lost over time to provide rear site access for surface car-parking for the main house. The section of surviving stone wall is noted and the immediately adjacent fine stone piers to the adjoining surviving coach house at the rear of No. 41.

Coach-houses - The former coach lane along Leeson Place has evolved to accommodate contemporary infill 3-storey mews structures which are larger and higher than the surviving and architecturally rare 2-storey coach houses, which is regrettable as this has resulted somewhat in an erosion of the special character of the historic coach lane.

In the opinion of the CO, whilst the proposed new structure conforms to the adjoining mews house at No.39 in terms of height and plan form, the existence of the

immediately adjoining historic coach house to the other boundary places increased responsibility on the proposed in-fill in terms of the overall urban design and the requirement to 'knit' the fragmented coach house terrace together. This is the site that has to work hardest at reconciling the odd junctions and it needs to be considerate of adjoining historic eaves heights roof profiles and ridge lines.

The proposed building profile, which is higher and deeper than the adjoining historic coach-house, appears to interrupt the established building line of the historic coach-houses, particularly the roof line and this may be regarded as having an adverse impact on the overall integrity of the character of the coach lane.

For this reason, the recommendation of the CO is that the overall design should be modified to provide a more coherent building form and to improve the transition of new build at No.39 to the historic adjacent at No.41.

In a revised proposal, the detail and relationship to the adjoining historic gables and eaves heights are to be referenced and the current complex roof forms simplified.

Boundaries - The proposed rear boundary wall subdividing the historic building plot should be coherent across the terrace, and should not diminish the amenity of the principal structure where possible. For that reason, it is recommended that the boundary line to the rear of the site is pulled further back such that it relates more sensitively to the rear boundary wall of the coach house at No.41 and ensures more generous open space is provided to the historic house at No.40. In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the curtilage of the Protected Structure, the applicant is to provide a full drawing survey including photographic record of existing boundary walls and detailed schedule of repair and reinstatement works.

The applicant is to provide a method statement for the raking out and re-pointing of the stonework and associated repair details and full details for the proposed infill element of the boundary wall to the rear of the site including junctions with the existing side boundary (original garden) walls.

A site visit shall be coordinated with the Conservation Officer to inspect a sample panel of the repaired and any new elements of boundary wall. (e.g. Masonry, coursing, and joint details etc.) The removal of elements of the original stone wall to accommodate a new pedestrian opening is not supported. A new pedestrian gate should be incorporated within the new vehicular gate.

Information submitted - The submitted documentation is somewhat deficient in terms of the overall specification of materials to ensure a high quality development to the rear of a protected terrace – the proposed use of artificial fibre cement slate is not supported. The use of a roller shutter to the main entrance is not regarded as appropriate to the overall character area. This shall be a swing/ sliding gate in a high quality material such as timber rather than a roller gate, incorporating an integrated pedestrian gate so that the architectural character of the building and laneway is respected.

Recommending conditions:

- In advance of works commencing on site the applicant shall submit the following information to the Planning Authority for their written agreement:
 - Revision of the proposed roof profile and plan depth to have greater regard to the adjoining historic coach house at No. 41 Leeson Place in terms of scale and form. The roofline of the proposal shall be reduced and the angle altered such that it relates to the roof profile of the adjoining historic coach-house at No. 41 Leeson Place. The line of the front wall shall be revised such that it is in line with the adjoining site at No. 41 Leeson Place. The overall depth of the ground floor plan and the proposed living room projection shall therefore be reduced.
 - Clarification of the proposed building materials to the exterior of the proposed development. Artificial fibre cement slate is not supported. The roof shall be clad in natural welsh blue-Bangor slate.
 - Details at 1:50 of the proposed vehicular gate and the treatment of the opening. The use of a roller shutter to the main entrance is not regarded as appropriate to the overall character area and shall be replaced with a timber swing gate that is more appropriate. The removal of part of the original stone wall to accommodate a new pedestrian opening is not supported. A new pedestrian gate shall be incorporated within the new vehicular gate opening.
 - Further drawings that show the boundary line to the rear of the site pulled further back towards the mews house such that it relates more sensitively to

the rear boundary wall of the coach house at No. 41 and ensures more generous open space is provided to the historic house.

- Details of the proposed landscaping design to the proposed infill mews.
 - Revision of the roof profile such that it relates more sympathetically to the roof profile of the adjoining historic coach house.
- In advance of commencing works on site, the applicant shall submit the following information with the Planning Authority for written agreement:
- Full drawing survey including photographic record of existing boundary walls and detailed schedules of repair and reinstatement works proposed. A method statement for the raking out and any re-pointing of the stonework and associated repair details are to be provided.
 - The retention and repair of all historic boundary walls shall be indicated. The surviving element of the stone wall to the front boundary is to be retained in full and identified on a set of elevational drawings at a scale of 1:50. The proposed pedestrian opening shall be revised as further removal of the original stone boundary wall shall not be permitted.
 - Full details for the proposed new works to the boundary walls of the site including junctions with the existing side boundary (original garden) walls. A site visit shall be coordinated with the Conservation Officer to inspect a sample panel of the repaired and new element of boundary wall. (e.g. Masonry, coursing, and joint details etc.)

Reason: In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the curtilage of the Protected Structure.

- An architect with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

Reason: To protect the fabric, character and integrity of this protected structure

- All works to the protected structure shall be carried out in accordance with best conservation practice and the “Architectural Heritage Protection Guidelines for Planning Authorities” and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

- All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To protect the character and integrity of the protected structure

- All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to the external stone work, replacement windows, brickwork, decorative plasterwork, joinery, ironwork.

Reason: To protect the character and integrity of the protected structure

3.12. **Prescribed Bodies**

3.12.1. TII - the proposed development falls within the area set out in Section 49 Levy scheme for Light Rail. The Section 49 Levy scheme lists several exemptions where the levy does not apply, if not exempt a Section 49 contribution should be included.

3.13. **Third Party Observations**

3.13.1. Third party observations on the file have been read and noted.

4.0 Planning History

0519/08 exemption cert for replacement of rear window in the 1st floor return, installation of additional protective rear window at the second floor stairway and repair of rear cantilever balcony at the second floor.

Surrounding sites

2338/18 permission granted for development which included the refurbishment of a mews house to rear of 41 Leeson St Lr.

242975 PA Reg Ref 3156/13 permission granted for demolition of existing two-storey industrial unit and the construction of a three-storey house with front balcony at first floor level and solar panels on the roof at 39 Leeson Place, Dublin. This refers to the adjoining house to the north

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Council Development Plan 2016 to 2022 is the operative plan. Relevant provisions include:

Zoned Z8 - 'to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective'.

The aim of the zoning, which primarily encompasses the city's Georgian squares and adjoining Georgian streets, is to protect the architectural character/design and overall setting of these areas, and to maintain and enhance them as active residential streets and squares during the day and at night. A range of uses is permitted within the areas, including residential.

Leeson Street is also a conservation area. Section 11.1.5.4 of the plan notes that conservation areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city. Designated conservation areas include extensive groupings of buildings or streetscapes and associated open spaces, including parts of the medieval city, the Georgian cores and the city quays, rivers and canals. The special interest and value of these areas is in their historic and architectural interest and in their design and

scale. All of these areas therefore require special care in terms of development proposals affecting both protected and non-protected structures. The planning authority will seek to ensure that development proposals within conservation areas complement the character of the area, including the setting of protected structures, and comply with development standards.

Policy CHC4 is to protect the special interest and character of all of Dublin's conservation areas. It is stated that development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, where possible. This may include the replacement or improvement of any building, feature or element which detracts from the character of the area or its setting, or the reinstatement of missing architectural details or other important features. Development in conservation areas should not harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area, or involve the loss of traditional historic or important building forms, features and detailing, including roofscapes, shopfronts, doors, windows and other decorative detail.

5.2. Architectural Heritage Protection Guidelines for Planning Authorities,

Department of Arts, Heritage and the Gaeltacht

- 5.2.1. These guidelines, for the protection of structures, or parts of structures, and the preservation of the character of architectural conservation areas, set out principles to be followed in development.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura sites are North Dublin Bay SAC (Code 000206) and South Dublin Bay and river Tolka Estuary SPA Code 004024 and South Dublin Bay SAC (Code 000210) which are c 3km, straight line distance, from the subject site.

5.4. Environmental Impact Assessment

- 5.4.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. RW Nowlan & Associates, Chartered Planning & Property Advisors, have submitted this appeal on behalf of Damien O’Flaherty, third party tenants of No 40 Leeson Street. The grounds includes:

- The proposed development would severely impact the day to day function of the business and incur the loss of an important functional space.
- The grounds are set out under the headings:
 - Loss of existing functional space.
 - Sustainable transport
 - Conservation issues
 - Maintained rear access in the area.
- Loss of existing functional space – the rear area has been part of the day to day operations of the business since they moved in in April of this year for: secure bicycle storage, visitor parking, fire assembly point, deliveries and refuse storage,
- Hard surfacing provides little incentive for staff or clients to use the space. The treatment should be considered as part of the redesign to provide a quality landscaped area. They request the Board to review the scheme and the significant adverse impacts of subdividing the plot, on the amenity of the main building.
- Sustainable transport – they encourage staff and clients to cycle, located 140m from the cycleway along the Grand Canal; and maintain the use of the rear for secured cycle storage, which accords with City Council’s plans to create a connected green network across the city and promote green transport.
- Architectural Conservation – the site is part of the South Dublin Georgian quarter. Zoned Z8. Although the residential use is a welcome addition and permitted under

the zoning, the design must be sensitive to the local context and they draw the Board's attention to the Conservation Officer's report.

The proposed building profile ~~with~~ which is higher and deeper than the adjoining historic coach-house appears to interrupt the established building line of the historic coach-houses, particularly the roof line and this may be regarded as having an adverse impact on the overall integrity of the character of the coach lane.

- As noted by the conservation architect the design is contrary to the established building line and form of buildings, and has no regard for the historical function of the laneway to service the main building. Modern units along Leeson Place have maintained this long-standing connection – a photograph of No 44's rear entrance is provided; also No 42, and No 38. It is feasible for the applicant to incorporate a linked rear access for both the new mews and the main building.

- They cite the conservation architect's report that:

the overall design should be modified to provide a more coherent building form...

- Proper Development and Building Standards

- The Z8 zoning only allow for limited expansion consistent with the conservation objective.
- Objectives such as - the amalgamation or subdivision of plots on mews lanes will generally not be encouraged; the provision of rear access to the main frontage premises shall be sought where possible; limiting unnecessary destruction of traditional plots and the urban grain; are cited.
- All development proposals should contribute to the creation of attractive, active, functional and publicly accessible streets and spaces (between buildings),
- They do not consider that sufficient evidence has been provided that the proposal can contribute positively to the area as a whole but rather it will severely negatively impact on the main building.

- ‘The proposed rear boundary wall subdividing the historic building plot should be coherent across the terrace, and should not diminish the amenity of the principal structure where possible’, this is an acknowledgement that the subdivision will significantly reduce the amenity space used by them.
- Car and bicycle parking – the roads recommendation for FI is cited.
- Overlooking and privacy – the private client suite and offices to the rear of the main building can be viewed from the rear bedroom and kitchen windows.
- Proximity is expected to cause issues during construction as the high levels of footfall will jeopardise visitor and client privacy. Noise will disrupt commercial activities. The applicant has failed to submit a plan to mitigate such issues.

6.2. Applicant Response

6.2.1. Kiaran O’Malley & Co Ltd have submitted a response to the appeal, on behalf of the applicant, which includes:

- Frontier Economics are the applicant’s tenants for the ground and upper floors. The car park to the rear, that includes the appeal site, has capacity for up to 12 parking spaces but Frontier Economics only required 2 spaces and these were provided under a separate licence agreement, a rolling 364 days per year, vacated for one day per year, with provision for vacating the car park with one months notice.
- The basement is leased separately with no right of access at Leeson Place but access to part of the external rear amenity space including bicycle parking.
- Off street car parking, that is currently limited, would have no impact on the third party’s business.
- Loss of existing functional space – the third party has no legal entitlement to any part of the appeal site. The 80 sq m is ample room for bicycle parking and outdoor amenity space for employees. There is an uncovered bicycle rack and a wooden picnic table and bench to the rear. The proposed development won’t affect their use.

- The appellant is overstating the importance of access which they have only ever had on a temporary basis.
- The development plan does not require parking for No 40. There is an abundance of short term pay and display parking in the area. There are numerous such buildings in Dublin City Centre without off street parking – public transport, forthcoming Bus Connects enhancements, and on street parking are mentioned.
- Sustainable transport – bicycle parking is available through the front door, accessible at basement and ground floor levels. This is a common feature in many similar buildings.
- The Architectural Conservation - there are a wide variety of mews dwellings in the area, many two storeys, some two storeys with attic accommodation, some maintain the building line, others do not. No 39 is the most recently constructed, the proposed height, scale and massing is compatible. The building line is consistent. Due to building regulations the roofline of any proposed dwelling is not likely to match that of an historic coach house. The permission for no 41 included ‘removal of sections of the existing pitched roof and the client’s proposals is compatible in terms of height, scale and massing.
- Photographs are provided showing mews dwellings at Leeson Place some with retained access to parking. The examples do not protect the architectural and civic design character as required in the Z8 zoning. In the most recent decisions at No 39 and 41, neither provided access to the main building, consistent with the Council’s restrictive parking policy.
- The possibility of retaining vehicular access was considered, but it would result in an apartment type unit, with elevated decking type private open space that would create overlooking issues into the adjoining mews dwellings. A draft proposal was discussed with DCC but not considered a feasible and practical option.
- Maintained rear access in the area.
 - It is not proposed to subdivide the plot. That is a misunderstanding of the term. The subdivision was not raised as an issue by the conservation officer.
 - Car and bicycle parking – the response is repeated.

- Overlooking and privacy – issues of overlooking and privacy do not arise, the separation distance complies with standards.
- Noise – no issue arises.

6.3. **Planning Authority Response**

6.3.1. The planning authority has not responded to the grounds of appeal.

6.4. **Further Responses**

6.4.1. RW Nowlan & Associates have submitted a response on behalf of Damien O’Flaherty to the first party response to the grounds of appeal. The response includes:

- They were not made aware of the proposal to develop. They enclose a copy of the original advert for letting, showing that the property was coming with parking and rear access.
- They reiterate the impact of loss of amenity.
- The alternative of bringing bikes through the building is not the norm in a modern office format and would have a very negative impact on a multi let in a protected structure and would be difficult to control and manage.
- Bins will have to come through the building.

6.5. **Observations**

6.5.1. An observation has been received from TII.

6.5.2. The proposed development falls within the area set out in Section 49 Levy scheme for Light Rail. The Section 49 Levy scheme lists several exemptions where the levy does not apply, if not exempt a Section 49 contribution should be included.

7.0 **Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, impact on the use of No. 40 Leeson St, conservation of the built environment, and conditions, 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. **Impact on the use of No. 40 Leeson St**

7.4. Access

- 7.4.1. The third party appellant has concerns regarding the loss of the access currently enjoyed, to parking and other uses, of the hard surfaced area to the rear of No. 40 Leeson St.
- 7.4.2. The response points out the limited use of this area which the third party has enjoyed, that the development plan provisions regarding car parking in this area refer to maximum rather than minimum standards, the availability of alternative modes of transport, and that the bicycle parking available within the site will remain for No. 40 Leeson St, accessible through the main building in a similar manner to that available in many other premises in central Dublin.
- 7.4.3. The response states that the possibility of retaining vehicular access to the main building was considered, but it would result in an apartment type unit, with elevated decking type private open space that would create overlooking issues into the adjoining mews dwellings. A draft proposal was discussed with DCC but not considered a feasible or practical option.
- 7.4.4. The response points out that the refuse collection system, for bag refuse, will be available for No. 40 Leeson St.
- 7.4.5. A report is provided from a Fire Safety & Building Regulations consultant that the means of escape from the two units within No. 40 Leeson St. is acceptable.
- 7.4.6. The response refers to the proposed provision of one on-site parking space for the news dwelling.

7.4.7. I am satisfied that the proposed development will not deprive No. 40 Leeson St. of essential access for its continued or potential future use, and that on-site parking for No. 40 Leeson St, is not essential and should not be a reason to refuse permission.

7.5. Amenities

7.5.1. The third party appellant has concerns regarding the impact on the amenities of No. 40 Leeson St. in relation to overlooking and noise.

7.5.2. The response points to the minimum distance setback being achieved, such that no concern in relation to overlooking arises.

7.5.3. The response considers that the issue about noise levels is non-existent.

7.5.4. I am satisfied that subject to appropriate conditions, no significant loss of amenity, either through noise or overlooking will arise.

7.6. **Conservation of the Built Environment**

7.7. Site Layout Building Design

7.7.1. The third party appellant has concerns regarding impact on the built conservation of the site and the area and refers to the conservation officer's report in this regard.

7.7.2. The conservation officer's report raises concerns in relation to the division of the property between the subject development and the main building, the scale of the development in relation to the adjoining historic mews building in terms of front building line, rear building line, and the height and slope of the roof. The report also raises concerns in relation to materials stating that natural slate should be used as the roofing material.

7.7.3. The issues raised in the conservation officer's report were not raised at the appropriate point in the process such that the applicant would have had a reasonable opportunity to respond. They were not raised at pre-planning. The further information request referred only to access issues. Nor are they addressed in the conditions of the decision as drafted, which the report post dates.

7.7.4. In relation to the division of the plot, between the subject development and the main building, the residential use proposed requires a plot of these dimensions. It appears

reasonable, in the context of the pattern of development in the area to permit the subdivision as proposed.

- 7.7.5. In relation to the front building line, a small area at ground floor level is slightly forward of the main building and forward of the adjoining historic mews building to the south. In the context of the high walls to either side and which also extend over part of the front boundary, it is considered that this small interruption in the building line will have very little visibility and little impact. In relation to the rear building line a single storey projection to the rear extends the floor-plate at ground floor level beyond that of the adjoining historic mews building to the south and also the building to the north. This will be visible from the properties to either side and from the rear of buildings on Leeson St. In the context of the high walls to either side it will have little impact.
- 7.7.6. The conservation officer's report is concerned about the proposed building profile, which is higher and deeper than the adjoining historic coach-house, particularly the roof line and may be regarded as having an adverse impact on the overall integrity of the character of the coach lane. The report recommends that the roofline of the proposal be reduced in height and the angle altered such that it relates to the roof profile of the adjoining historic coach-house at No. 41 Leeson Place.
- 7.7.7. ~~appears to interrupt the established building line of the historic coach-houses,~~
- 7.7.8. The drawings provided with the application allow comparison between the proposed building, and those adjoining to north and south (drawing no 0616-P6 side elevation). The proposed roof has similarities to that to the north, although with a steeper slope front and back and a wider flat roof area, giving a larger building envelop.
- 7.7.9. It can be seen from this drawing and from drawing no 0616-P8 'Sketch Model Study Views' that the proposed development will have a roof profile which is quite different to that to the south. The gable elevation will be visible from the laneway, as part of a complex array of roof profiles, when viewed on approach from the south. This elevation, will be at variance with the roof of the historic coach-house on the adjoining site, due to its steeper slope and the flat roofed section, in addition to the box dormer window in the front roof slope.
- 7.7.10. It is worth noting that the dwelling on the adjoining site to the north, permitted by the Board in 2014, has a roof profile with a section of flat roof in the centre and sloping

roofs to front and rear, to maximise accommodation at this level; and also that there is a very large gable ended dormer projection in the front roof of that house. In their consideration of the appeal, the roof treatment was brought to the Board's attention, and was found to be acceptable.

7.7.11. The dwelling further to the north is a mansard style roof.

7.7.12. The Board may consider that the roof slope should better match that of the historic coach-house on the adjoining site, which would reduce the discrepancies in the roof profiles. Any further interventions in the roof design, such as that set out in the condition recommended by the conservation officer, would significantly interfere with the building design and, if such were to be the Board's view, should result in refusal of permission.

7.8. Built Fabric

7.8.1. The conservation officer's report recommends that the pedestrian entrance be omitted so that the loss of this section of boundary wall can be avoided. This seems to me to be a reasonable requirement. The existing opening in the wall appears adequate to provide for pedestrian and vehicular access, and the removal of additional wall appears unnecessary.

7.8.2. Condition no 3 as drafted is similar to one of the conditions recommended by the conservation officer. An additional condition, recommended by the conservation officer refers to the treatment of the historic walls and I consider it a reasonable condition for attachment to a permission.

7.8.3. The use of natural welsh blue-Bangor slate is a condition recommended by the conservation officer. This is a major departure from the proposal to clad the roof in either natural/fibre cement grey slate or zinc cladding. In my opinion, given the context and the materials in evidence on roofs in the area, it is not reasonable to require the use of natural slate.

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. The site is located in a central area well served by public transport, services and amenities where safeguarding the character of the area is an objective of the development plan. The development of a single dwelling of limited scale in the context of the pattern of development in the area and subject to the attached conditions would not impact unduly on the architectural or civic design character of the area or the functioning of other uses within the main house on the lands and would accordingly 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 6th day of September 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 submit for the written agreement of the planning authority, floor plans, sections and elevations, indicating an amended roof profile, incorporating a front slope angle similar to the front roof slope of the adjoining building to the south, and which omits the front dormer window projection.

Reason: In the interest of visual amenity and to protect the character of the area.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of the proposed gateway which shall be either sliding or inward opening, not roller shutter, and shall incorporate a pedestrian entrance.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the materials, colours and textures of all the external finishes to the proposed dwelling.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority:

- a) A full drawing survey including a photographic record of the existing boundary walls and detailed schedules of repair and reinstatement works proposed;
- b) A method statement for the raking out and any re-pointing of the stonework and associated repair details.
- c) The retention and repair of all historic boundary walls shall be indicated. The surviving element of the stone wall to the front boundary shall be retained in full and identified on a set of elevational drawings at a scale of 1:50.
- d) Full details for the proposed new works to the boundary walls of the site including junctions with the existing side boundary (original garden) walls.

A site visit shall be coordinated with the Conservation Officer to inspect a sample panel of the repaired and new element of boundary wall. (e.g. Masonry, coursing, and joint details etc.)

Reason: In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the

curtilage of the Protected Structure.

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 and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. 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.

8. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Site development and building works shall be carried out between 0700

hours and 1800 hours Mondays to Fridays inclusive, between 0900 hours and 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.

11. The developer shall pay to the planning authority a financial contribution of €16,977.60 (sixteen thousand nine hundred and seventy seven euro and sixty cent) 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. The application of any indexation required by this condition 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.

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.

12. The developer shall pay the sum of €2,000 (two thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in

respect of LUAS cross city. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Planning Inspector

19th February 2019

Appendix 1 Photographs

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