



An
Bord
Pleanála

Inspector's Report ABP 302958 - 18

Development

Change from 3 No bedsits to single dwelling unit, alterations and modifications to side elevation, demolition of single storey side extension apartment, construction of three storey side and rear extensions comprising a one bed duplex apartment over first and second floor with roof terrace and one ground floor apartment with terrace. Construction of single storey garden room/gym rooflights landscaping and drainage works.

Location

96 Moyne Road, Ranelagh, Dublin 6.
(Protected Structure)

Planning Authority

Dublin City Council

P. A. Reg. Ref.

3778/18

Applicant

Peshawar Ltd.

Type of Application

Permission.

Decision

Refuse Permission

Type of Appeal

First Party X Refusal

Appellant

Peshawar Ltd.

Date of Site Inspection

1st February, 2019.

Inspector

Jane Dennehy,

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.3. Planning Authority Response	9
7.0 Assessment.....	10
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13

1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 402 square metres and is located at the southern end of Moyne Road where there is access to Moyne Court a private residential development and the rear boundary of Mageough a residential complex of nineteenth century buildings.
- 1.2. There are two pairs of semi-detached nineteenth century houses (Nos 90-96) between Windsor Road to the north and the southern end of Moyne Road. No 96 has a side extension at single storey level extending beyond the rear building line into the gardens. A passage from front to rear is located between the extension and the side boundary wall to Mageough. The house has a tripartite bay window at ground floor level on the front elevation and hipped slate roofs and is set behind railings and a pedestrian gate. The interior fine staircase and banisters, plasterwork including cornicing and ceiling rose fireplaces and doors. The side extension which is interconnected with the former kitchen within the house which has been converted to a bedroom is a two-bed self-contained dwelling unit and the remainder of the house is divided into three independent dwelling units, (one two bed and two one bed) according to the lodged plans.

2.0 Proposed Development

- 2.1. According to the application:

The total stated floor area of the existing buildings to be retained is 179 square metres.

The total stated floor area of the structure to be demolished is 32 square metres

The total stated floor area of the proposed extensions is 164 square metres

The total stated floor area of the proposed garden room/gym is 44 square metres.

The proposed plot ratio is 1.13 and site coverage is 30 per cent.

- 2.2. The application includes a copy of written consent from the owner of No 94 Moyne Road to replacement of the existing wall at the rear laneway.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 17th May, 2018 the planning authority decided to refuse permission on the basis of the following reason:

“The subdivision of No 96 Moyne Road would compromise the integrity of a Protected Structure. The subdivision of the rear garden and the provision of the side extension of excessive scale would not relate to and complement the special character of the house. The established proportionate relationship in scale between the buildings and gardens would be lost. The construction of a three storey side extension out to its side boundary would constitute a visually obtrusive and dominant form and have an adverse impact on the setting of this Protected Structure. In this regard the proposed development is contrary to Policies CHC1, CHC2 and CHC4 and Section 11.1.5 of the Dublin City Development Plan, 2016-2022. Therefore, the proposed development would adversely affect a protected, structure be harmful to the setting of a residential conservation area, be seriously injurious to the amenity of the area and contrary to the proper planning and sustainable development of the area.”

3.2. Reports

The planning officer having considered the comments and recommendations in the conservation officer report concluded that permission should be refused.

The Conservation Officer in a detailed report indicated concerns about:

- the height mass, volume and form and overall size of the three-storey extension and the effect on the existing structure and the streetscape.
- Over intensification of use of the site with adverse impact on the architectural character of the structure and adjoining structure and overshadowing effect.

- Interventions to and removal of historic fabric and lack of clarity in details in application submissions.
- Lack of direct relationship between the proposed garden room/gym structure and the main dwelling.

Recommended as essential requirements in the report are:

Reinstatement of the original historic floor plan including the kitchen,

Omission of one floor from the proposed extension along with increase in distance from the front building line of the existing dwelling.

A detailed room by room inventory and accompanying drawings of surviving historic fabric, a conservation method statement and specification are essential and should include methodology for repairs to all surviving windows, existing historic fabric, historic glass and original window frames being noted

4.0 Planning History

There is no record of planning history including any details of the subdivision into multiple dwelling units. However, this may have taken place prior to 1963.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective Z2: *“To protect and/or improve the amenities of residential conservation areas.”*

The house is included on the record of protected structures (Ref 5780)

Policy Objective CHC1 provides for preservation of the built heritage of the city.

Policy Objective CHC2 is reproduced below:

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

Development will conserve and enhance Protected Structures and their curtilage and will:

- a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.*
- b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances*
- c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.*
- e) Protect architectural items of interest from damage or theft while buildings are empty.*
- f) Have regard to ecological considerations for example, protection of species such as bats.*

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.”

These policies and objectives are elaborated on in detail in section 11.1.5.3 in which the reinstatement or protection of the original planform, retention of historic use where possible, securing long term viable use and avoidance of harmful extensions and modifications is encouraged.

Policy CHC4 provides for the protection of the special interest and character of Dublin's Conservation Areas. The policies and objectives are elaborated on in detail in section 11.1.5.4

According to section 16.10.13 there is a requirement that subdivisions be compatible with the architectural character of the building.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Declan Scullion on behalf of the applicant on 9th November, 2019. Attached is a set of application drawings and a copy of a historical appraisal which was included with the application.

- The applicant has demonstrated compliance with the CDP standards in Chapter 16 including standards for subdivision of dwellings. The focus in the appeal is on the protected structure and the setting and CDP standards in objectives CHC1 CHC2 and CHC 4 and section 11.1.5.
- According to section 16.10.13 of the CDP subdivision of large dwellings is permissible in highly accessible areas to provide for demographic change in the city. The house is subdivided and altered to provide for the multiple occupancy (3 bedsits) whereas the proposed development re-establishes the original house plan which is a significant proposition. The subdivision relates only to an existing bedroom in the single storey apartment (E.O.3) which has no feature of historic value will be half a level lower than the ground floor. No significant damage to historic fabric is involved. It is assumed that the principle of the subdivision of the dwelling meets the open space, space standards and parking provisions of the CDP.
- The reversibility of the plan and reincorporation of Room E.0.3 within the plan of the original house is not compromised in the application. It can be easily incorporated via the entrance hall at a future date if required.
- Room E.0.3 is not a significant spatial element in the reading of the hierarchy of spaces within the structure and there is no negative impact on the plan form as it exists.
- Subdivision of the garden is acceptable and adequate open space provision for the new and existing development is provided. An area of sixty-five square metres for the house and private and communal open space and screening is provided at a high level.

- The new development will not adversely affect the amenity of the area. It meets CDP criteria for subdivision and side garden development. There is no formal relationship with the façade, entrance, landscaping, streetscape or the terrace as a whole. There is a much more significant end of terrace condition at Windsor Terrace/Moyne Road and at Ormond Road/Moyne Road junctions. The location for the gym is in keeping with back land workshops and laneway sheds in the area.
- Unsympathetic internal additions will be removed and the original form as one dwelling unit will be restored.
- The additions positively contribute to the streetscape and facilities removal of non-original additions.
- Minimum housing standards are exceeded in the proposed development. The established building line, proportions, heights, parapet levels and materials of the existing and surrounding buildings are respected.
- There is no burden on the existing structure or adaption to it. The works positively contribute to the surrounding context.
- With regard to the scale and mass relative to the protected structure:
 - The plot ratio and site coverage are within the indicative targets of for 'Z2': zoned lands in sections 16.4 and 16.5 of the CDP.
 - The side extension is configured to position the slimmest and smallest volume at the front so that it is a reducing form as it moves toward the street. The extension's façade is setback 950 mm from the front façade. The height is subordinate; the eaves of the stair element matches the eaves height of the house and the ridge of the stair is lower than the side eaves of the house. The higher rear volume of the side extension has an eaves matching the house eaves and the ridge does not exceed the eaves of the side elevation of the house.
 - The front façade fenestration is not double height and relates in proportion to the windows in the house. It is drawn from the scale of the living room bay window and sets an animatic non-static relation with the façade rather than mimicking a bedroom a window which would be

at odds with the asymmetric spirit of the house. Wall relief and receding planes in the side façade lends character to what would be a blank façade.

- The roof profile of the terrace of Victorian houses makes a predominant contribution to the reading of the terrace relative to the less legible roofs on other terraced streets. The proposed mansard or gambrel profile to the second storey is derived from the local context. Photographs are provided, and reference is made to No 94 Moyne Road to demonstrate that three storey volume is not excessively large or out of character with the setting. The proposed development makes a complementary contribution derived from the local context and the end of terrace setting also is an appropriate location for introduction of this motif whereas a pitched roof would be incongruous with the deflected hipped forms at the main house and a flat roof would be too blunt.
- The proposed brick façade, rendered side façade, natural slate and painted windows are drawn from and, sensitively respond to the material of the existing building and Policy objective CHC2.
- The proposed development would not be visible within two house widths of the site from the street. The setback stair core is the only element of the extension that is visible from the end of the street. It virtually goes unnoticed from Moyne Road. It can be seen from the rear of Mageough where it is readable in the context of development at the rear and not the context of front or the street, the rear lane and from the private ground of Moyne Court Apartments which is the most publicly accessible view. Here it cannot be read in the full context of the streetscape but in the context of rear facades of houses on Moyne and Windsor Roads. Photographs with overlays are provided.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. There is no objection in principle to extensions, upgrades and re-ordering of the interior and the subdivision in multiple dwelling units, notwithstanding the significant intensification of use involved by reason of the increased size of the existing and proposed development relative to the existing development. However, it is agreed that the proposed development is contrary to the requirements of Policy CHC2 and associated policies and objective of the CDP according to which it is requirement that development ensures that the special interest of protected structures is protected and that development conserves and enhances protected structures. In this regard it is of note that the conservation officer's comments and recommendations in her report, which are considered very reasonable, indicate there is scope for possible extensions, upgrades and reordering to be achieved in a manner which is consistent with the requirements of this policy. The current proposal is considered under the following sub- headings.

Survey, methodology and specification

Conservation and enhancement of the existing structure.

The proposed side extension:- Impact on character of the protected structure and

The proposed side extension; - impact on the streetscape.

The garden room/gym and private/communal open space provision.

7.2. Survey, methodology and specification

7.2.1. The application submission is insufficient in detail to allow for adequate consideration of the existing dwelling and its fixtures and fittings and condition and proposed works, including mechanical and electrical servicing to the existing structure. To this end, a comprehensive inventory, and conservation method statement and works specification, as recommended in the conservation officer's report is necessary for it to be established whether the special interest of the structure is protected, conserved and enhanced in accordance with good building conservation practice. Bearing the

foregoing in mind, it appears that the proposed replacement of the existing tri-partite bay window with a hardwood bay window is not justified and this proposal is not supported with repair and maintenance works being more appropriate. The matter could be addressed through the comprehensive inventory, and conservation method statement and works specification as recommended.

7.3. Conservation and enhancement of the existing structure.

7.3.1. Bearing the foregoing in mind, it is also reasonable that there is an expectation that that application would include measures for reinstatement of the rear ground floor room which was incorporated into the apartment unit in the single storey side extension in to the internal ground floor layout of the existing house so that the legibility of the building in its original plan form can be restored. The statement in the appeal that the proposed development re-establishes the original house plan which is a significant proposition and that the rear ground floor room which is incorporated in the apartment in the side extension is not an important spatial element is not accepted. The claim that the pre-existing prior subdivision is a consideration in favouring the proposed development which would not preclude reinstatement of the original kitchen and planform at a future date is not supported. The original planform, especially at ground floor level is not an insignificant historic feature of Victorian townhouses.

7.4. The proposed side extension:- Impact on character of the protected structure.

7.4.1. Setting aside the considerations as to historic fabric and planform, it is considered that there is scope for side and rear extension development, No. 96 being particularly well positioned to accept development due to the location at end of the Moyne Road. However, the proposed three storey side extension shown in the application, is considered unacceptable both in the relationship to the existing house, and, in relation to the streetscape context, notwithstanding the limited range of visibility on approach along Moyne Road in that the proposed extension would only be in view from relatively close vantage points.

7.4.2. The issues of concern regarding the side extension are that of the form and proportions for the roof profile and upper level and relationship to the existing dwelling. It is agreed with the conservation officer that there is scope for side extension development which is subordinate in height and form and in proportion to

the existing dwelling which is setback at midway between the front and rear building lines and confined to two storeys only. A more appropriate solution that would allow for an extension which integrates with, is in proportion and subordinate to the existing dwelling is for a roof profile comprising a single slope extending out from beneath the eaves of the existing dwelling. There is no objection in principle to a ground floor element beyond the rear building line provided that sufficient quantity and quality of private and communal open space provision is available for the residential units. Substitution of a window opening to match those of the front elevation of the existing dwelling would also enable the extension to be more sympathetic to the existing front façade.

7.5. The proposed side extension:- Impact on the streetscape.

7.5.1. With regard to the streetscape views the proposed extension is likely to be partially in view from the south side of Windsor Road on approach along Moyne Road and, it is agreed that it would not come into view in the longer-range views along Moyne Road and would be some impact on the uniformity of the two pairs of semi-detached dwellings at the southern end of which No 96 is located. It would be prominent in views from Mageough and Moyne Court (a privately managed apartment development) is to the south which are not within the public realm.

7.6. The garden room/gym and private/communal open space provision.

7.6.1. The garden room/gym is a structure of significant size at forty five square metres in floor area for non-commercial use associated with residential occupancy and takes up a considerable space within the rear garden of the existing house. It is not to be connected to the building in which the dwelling units are to be located and an additional access from the rear lane is to be provided. As a result, the private/communal open space is limited and is of poor quality configuration and connectivity to the residential units and would be restricted in terms of attainable sunlight and daylight access. It is considered that as a result the potential attainable standard of residential amenity for the future occupants of the multiple unit development is curtailed.

7.7. Environmental Impact Assessment Screening.

7.7.1. Having regard to the nature of the proposed development 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.

7.8. Appropriate Assessment Screening.

- 7.8.1. Having regard to the small-scale nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In conclusion, it is considered that there is scope for upgrades and extensions to the house but the issues of concern with regard to the current proposal are extensive and are not suitable for resolution by condition. It is therefore recommended that the planning authority decision to refuse permission be upheld and that permission be refused based on the draft reasons and considerations set out below.

- 8.1. 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 set out below but, a second reason is also included relating to residential amenities at the proposed development.

9.0 Reasons and Considerations

1. No 96 Moyne Road is a nineteenth century house located at the southern end of Moyne Road, is included on the record of protected structures and within an are subject to the zoning objective Z2 residential Conservation Areas according to the Dublin City Development Plan, 2016-2022. It is also the policy of the planning authority according to objective CHC2 of the CDP: "*o ensure that the special interest of protected structures is protected and to provide for development which conserves and enhances Protected Structures*". It is considered that the proposed extension fails to integrate with, complement and enhance the existing structure by reason of the three-storey height, insufficient setback from the front building line, mass, height and roof profile above the

eaves of the existing dwelling and design detail with regard to fenestration. As a result, the proposed development would fail to restore the original planform and would seriously injure the integrity, fabric and setting of the existing structure, and, would be contrary to Policy CHC 2 of the Dublin City Development Plan.

2. The proposed development by reason of: the extent of the rear garden taken up with the proposed garden room/gym structure; its size and lack of connectivity between it and the proposed residential units within the existing house and, the limited size and configuration of the proposed communal open space due to lack of connectivity with the residential units and daylight sunlight access to the rear would result in limited amenity potential for the future occupants. The proposed development would therefore be substandard in attainable residential amenity for the future occupants and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
6th February, 2019.