



An
Bord
Pleanála

Inspector's Report 303737-19

Development	Protected Structure: Partial demolition of two-storey rear annex and construction of an extension.
Location	12 Leinster Square, Rathmines, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2975/18
Applicant(s)	John Fleury
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Fleury
Observer(s)	None
Date of Site Inspection	3 rd May 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located at no. 12 Leinster Road, Rathmines approximately 3km to the south of Dublin City Centre. The site forms part of a terrace of Victorian two storey over basement 19th Century houses with generous front garden, with cast iron boundary railings.
- 1.2. No. 12 Leinster Road is a protected structure. The site is currently in use as multiple residential units with the front of the site in use as a car park associated with the residential units. The site has been subdivided in the past and the rear accommodates a Mews dwelling.
- 1.3. A vehicular laneway, Louis Lane, runs along the western site boundary, passing under a portion of the adjacent house. The laneway originally provided access to the houses that form the terrace but most of the rear gardens have been developed with new mews dwellings. To the north of Louis lane is St. Louis School, accessed from a different road to the north.

2.0 Proposed Development

- 2.1. The development will consist of the deconstruction of the north and east walls; demolition of the existing roof, outhouse and stone steps; construction of a new two-storey extension and new opening into Louis Lane. The extension is a hipped roof structure with 20th century windows openings. It is proposed to reuse the re-claimed brick in the new extension.
 - 2.1.1. In response to a request for additional information from Dublin City Council, a Conservation Report was submitted and revised drawings removing a first-floor window and roof lights on the Louis Lane elevation. The appellant also submitted a solicitor's letter confirming that the subdivision of no.12 into multiple units/bed sits was carried out prior to 1963.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification to refuse planning permission for the following reason:

1. The application fails to satisfactorily justify the demolition of the original Victorian two-storey return containing surviving architectural features and would seriously injure the architectural character of this Protected Structure and its appearance in the streetscape to Louis Lane and therefore impact adversely on the residential amenities of surrounding properties. The proposed works are therefore contrary to Dublin City Council Development Plan 2016-2022 Sections 11.1.5.3 and 6.8.13, Policy CHC2 and contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planning Report notes concerns regarding the legal status of the existing units and whether the subdivision was carried out pre-1963. The report details the concerns of the Conservation Officer. It was concluded following receipt of further information that the proposal to remove two original brick walls, an original outhouse building, the original granite steps and railings to the rear garden and the roof of the rear return including structure and original historic slates would result in an unacceptable loss of original and historic fabric of a Protected Structure. In addition, the report sets out that a new side door into Louis lane is not supported, as it would result in the loss of historic fabric, including the historic stone boundary wall. The proposed increase in the width of the rear return would result in an associated alteration of the original roof profile, which would be detrimental to the architectural character of the Protected Structure.

3.2.2. Other Technical Reports

Conservation Officer - In her report dated 28th June 2018 the Conservation Officer recommend further information be requested to include a comprehensive Architectural Conservation Assessment, revised drawings and justification for the works. In her subsequent report dated 7th January 2019 the Conservation Officer sets out that she is not supportive of the demolition of historic rear returns to Protected Structures, as historical alterations and additions to a structure can themselves be an irreplaceable part of a unique history. It is the Conservation Officer's opinion that the existing rear return is of interest and that the demolition of

this return and the introduction of a generic return with little architectural merit will negatively impact the character of the rear of the Protected Structure. In this case demolition of the existing return and the construction of a new extension onto Louis Lane will have an impact on the character of Louis Lane. The report sets out that any new intervention must be of higher quality than the existing rear return. Refusal recommended.

Engineering Department – Drainage Division - no objection subject to conditions.

3.3. **Third-Party Observations**

None

4.0 **Planning History**

4.1.1. **Site**

None recent.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.

5.1.2. The zoning objective relating to the site is land use zoning objective Z2 “*to protect and/or improve the amenities of residential conservation areas*”. The house in question is a protected structure.

5.1.3. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

5.1.4. Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

5.1.5. Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,

17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.

17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,

17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible.

5.1.6. 11.5.5.1 Protected Structures:

CHC2: To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage.

11.1.5.3 Protected Structures – Policy Application In order to protect the city's Protected Structures, the City Council will manage and control external and internal works that materially affect the character of the structure. Planning permission is required for any works, including some repairs, which would materially affect the character of the structure or its special interest.

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 structure. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.

5.1.7. 11.1.5.4 Architectural Conservation Areas and Conservation Areas:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. 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, wherever possible.

5.1.8. National Policy and Guidelines

Architectural Heritage Protection Guidelines (2004)

- In accordance with Item 6.8.13 of the Architectural Heritage Protection Guidelines, caution should be used when considering proposals to demolish parts of Protected Structures as these parts may be of importance to the cumulative historic interest of a building. The onus is on the applicant to make a case to the Planning Authority that – whether or not it is original to the structure – does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has submitted an appeal, the grounds of which is summarised as follows:

- It is set out that the proposal is to deconstruct the north and east walls only and all reusable stone and brick will be stored and reused in the proposed extension.
- All materials used will be sympathetic to the existing Protected Structure and the scale and character of the main house will not be affected. It is set out that significant internal works have taken place on site pre-1963 and the proposed works will have a minimal impact on the remaining historical fabric.

- It is set out that the outhouse to be demolished is not considered to be of merit where protection detracts from the viability of the continued use.
- The scale of existing rear returns on the terrace varies and the proposed extension is of a modest scale with little visual impact.
- The impact of the development on the privacy and daylight access of neighbouring properties is negligible.
- The renovation works will bring the apartment up to modern standards.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Impact on Architectural Heritage
- Residential Amenity
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The proposed development is for the partial demolition of the rear annex of no. 12 Leinster Road, a Protected Structure and the construction of an extension. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

7.2. Design - Impact on Architectural Heritage and on the Character of the Conversation Area

- 7.2.1. No. 12 Leinster Road is a protected structure. The Planning Authority's decision to refuse states that the proposed development fails to satisfactorily justify the demolition of the original Victorian two-storey return containing surviving architectural features, and the development would seriously injure the architectural character of the Protected Structure and its appearance in the streetscape to Louis Lane and therefore impact adversely on the residential amenities of surrounding properties.
- 7.2.2. Section 11.1.5.3 Protected Structures of the Dublin City Development Plan sets out 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 structure. The appellant argues that the works proposed are minimal and that significant internal works have been carried out pre-1963 and as result there is very little of architectural merit remaining internally. Regarding the external works the appellant argues that the existing residential unit does not comply with standards and the demolition works are required to ensure the longevity of the Protected Structure.
- 7.2.3. In relation to the proposed design of the extension, I consider the key issue to be the design approach taken. The Architectural Heritage Protection Guidelines and the Development Plan actively promote the extension, restoration and continued use of Protected Structures subject to appropriate design. The Guidelines which set out that while the architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable, this should not be seen as a licence for unsympathetic or inappropriate work. The design of the extension as presented in my opinion does not adhere to best practice conservation principles. The proposed increase in the width of the rear return would result in an associated alteration of the original roof profile, which would be detrimental to the architectural character of the Protected Structure, and the insertion of modern window opening reflects a confused and contradictory design reflecting a mix of 19th Century and 20th Century pastiche. I do not consider the applicant has supplied justification for the proposed extension in accordance with Item 6.8.13 of the Architectural Heritage Protection Guidelines.

- 7.2.4. The proposed design absorbs a portion of two external walls of the original annex whilst demolishing two original brick walls, an original outhouse building, the original granite steps and railings on the eastern elevation and the roof of the rear return including structure and original historic slates. The proposed works would result in an unacceptable loss of original and historic fabric of a Protected Structure and is contrary to Policy CHC2 of the Development Plan, to ensure that the special interest of protected structures is protected. The level of intervention is not justified in a conservation context. In addition, the proposed additional side door into Louis lane would also result in a loss of historic fabric, including the historic stone boundary wall. In my opinion the loss of architectural heritage is not out weighted by any planning gain.
- 7.2.5. I consider the appellant has not satisfactorily justified the demolition of the original Victorian two-storey return containing surviving architectural features and the proposed development by reason of inappropriate design would seriously injure the architectural character of this Protected Structure and its appearance in the streetscape to Louis Lane. The development should be refused for this reason.

7.3. Residential Amenity

- 7.3.1. The impact on residential amenity is referred in the reason for refusal issued by the planning authority.
- 7.3.2. In relation to loss of daylight and sunlight/overshadowing, the proposed extension is a two-storey structure marginally higher than the existing and is sited 3.7m from the adjoining boundary with no. 13 Leinster Road a reduction of only 800mm from the existing 4.45m separation. Therefore, I do not consider that development will significantly overshadow the adjoining no. 13
- 7.3.3. In terms of overlooking the extension provides for additional windows on first floor east facing elevation facing no. 13. However, the extension looks directly towards the rear return of no. 13 and not the primary useable garden space. I am satisfied that there is no detrimental overlooking of no. 13 as a result of the proposed extension.
- 7.3.4. Overall, I do not consider the proposal results in any significant injurious impact on residential amenity.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development, extensions to an existing property, within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

I recommend that planning permission for the proposed development should be refused for the reason and considerations, as set out below.

1.0 Reasons and Considerations

1. The proposed development by reason of the demolition of the original Victorian two-storey return containing surviving architectural features and, by reason of inappropriate design would seriously injure the architectural character of this Protected Structure and its appearance in the streetscape to Louis Lane. The proposal is, therefore, contrary to Policy Objective CHC2 which seeks to ensure that the special interest of protected structures is protected, and Section 11.1.5.3 of the Dublin City Council Development Plan 2016-2022 and Section 6.8.13 of the Architectural Heritage Protection Guidelines and, as such the proposal is considered contrary to the proper planning and sustainable development of the area

Irené McCormack
Planning Inspector

17th May 2019