



An
Bord
Pleanála

Inspector's Report

ABP-304096-19

Development	A PROTECTED STRUCTURE Removal of existing structures to rear and construction of new extension.
Location	3 Phoenix Terrace, Booterstown, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0029
Applicant(s)	Niall and Lynn McCoy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party against condition
Appellant(s)	Niall and Lynn McCoy
Observer(s)	None
Date of Site Inspection	2 nd July 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.015ha and comprises a three bedroomed, two storey over basement terrace house with a two storey return at No. 3 Phoenix Terrace, Booterstown, County Dublin. There are 6 houses in the terrace which is accessed from Rock Road.
- 1.2. Behind the terrace and accessed from the terrace is a development of duplex houses (Marina View) which has a gated entrance. Blackrock Park is located to the east of Phoenix Terrace.

2.0 Proposed Development

- 2.1. Permission is sought for works to the two storey over basement comprising of the following:
 - Removal of existing rear-return roof, half landing window, redundant chimney stack at rear of return and parts of rear wall
 - Construction of an additional 2nd floor bedroom with lime render, zinc and slate cladding, replacement of rear-return roof and new firewall at return party wall

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 5 No. Conditions. Of note is condition No. 4 as follows:

- Prior to commencement of development, the applicant shall submit revised plans and elevations to the Planning Authority for written approval which incorporate the following revisions:
 - a) The omission of the new window opening on the rear façade on level 6.
 - b) The omission of the two zinc clad 'outshoots' which are located on the south-western façade of the rear return.

Reason: In order to safeguard the special architectural or historic interest of the building.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority was satisfied that the proposed development would not unreasonably compromise the residential amenity of adjacent premises. It considered that the revised proposal had successfully overcome the previous reasons for refusal. Concern was expressed in relation to the introduction of a proposed level 6 together with an associated window and the zinc outshoots. It was recommended that these elements were omitted.

3.2.2. Other Technical Reports

Conservation Officer: Noted concurrent application on adjacent site under D19A/0027. No built heritage objections with the principal of development and satisfied that the previous reasons for refusal have been successfully overcome. The report considered that raising the height and maintaining the profile of the roof of the existing paired returns is a creative solution, one which does not render each of the buildings inconsistent with each other and one which will not result in any significant adverse impacts on the external character of the building. However, it was recommended that the introduction of a proposed level 6 be omitted together with the associated new window opening in an effort to reduce impact on the external rear expression and rhythm of the terrace as a whole. It was also considered that the two zinc clad 'outshoots' be omitted in the interests of retaining the traditional legibility and proportions of a rear return.

Transportation Department: No objection.

Drainage Department: No objections.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- None.

4.0 Planning History

D18A/0277/ ABP 301855-18

Permission refused by the Planning Authority for extension and alterations to protected structure at No. 3 Phoenix Terrace and upheld on the Board on appeal for the following reason:

It is considered that the proposed development, by reason of its size, design, bulk and prominent position, would be visually incongruous when viewed from the rear of adjoining properties and would overlook adjoining property on both sides. The proposed extension would be dominant and overbearing on the existing dwelling, would negatively impact on its character, would detract from the visual amenity of the area, would materially affect the protected structure, and would contravene Policy AR1 and Section 8.2.11.2 (i) of the of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.

D/19A0027

Permission granted for a similar type of development on adjoining site. I note that the Planning Authority issued a Further Information Request which required a number of alterations including the omission of a new window similar to that proposed on level 6 of the current application. Permission was granted based on the revised drawings. Figure A attached to this report is the drawing submitted in response to the Further Information Request.

5.0 Policy Context

5.1. Development Plan

The proposed development is in an area zoned A “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Section 8.2.11.2 of the County Development Plan sets out criteria for assessment of works to protected structures.

Designated protected structure - Ref. No. 82.

Policy AR1 relates to protected structures.

The **Architectural Heritage Protection Guidelines for Planning Authorities** (Department of Arts, Heritage and the Gaeltacht 2011) is the national guidance on architectural heritage.

5.2. **Natural Heritage Designations**

- Not relevant.

5.3. **EIA Screening**

- 5.3.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Appeal against conditions 4a and 4b.
- The rear expression of the terrace is punctuated with different return designs.
- Figure 2 and Figure 3 indicate existing development in the area and include both the whole of the existing terrace and internal views of both 1 and 3 Phoenix Terrace.
- Revised drawing attached to appeal including window in lieu of zinc outshoots.

6.2. **Planning Authority Response**

- It is considered by the Planning Authority that the grounds of appeal did not raise any new matter which would justify a change of attitude to the proposed development.

6.3. Observations

- None.

7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 4 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended in this case.

7.2. Condition No. 4 is as follows:

Prior to commencement of development, the applicant shall submit revised plans and elevations to the Planning Authority for written approval which incorporate the following revisions:

- a) The omission of the new window opening on the rear façade on level 6.
- b) The omission of the two zinc clad 'outshoots' which are located on the south-western façade of the rear return.

Reason: In order to safeguard the special architectural or historic interest of the building.

7.3. No. 3 Phoenix Terrace is a protected structure included in the Dun Laoghaire Rathdown County Development Plan 2016-2022 (RPS Ref. No. 82). The Conservation Report states that *'the principle of the proposed development is acceptable and that the reasons for refusal in the previous refusal have been overcome.'* However, concern is expressed in relation to the introduction of a proposed level 6 together with an associated new window in level 6 would be out of keeping with the character of the Protected Structure and would be incongruous with the composition of the rear elevation. Concern was also expressed in relation to the two zinc 'outshoots' which are located on the south-western façade of the rear return and are required to be omitted by Condition 4b.

- 7.4. I refer the Board to Figures 1 and 2 in the appeal which illustrates that Nos. 1 and 2 Phoenix Terrace have moved their window at this level when carrying out similar extensions. Figure 3 of the appeal shows views from both No. 1 and No. 3.
- 7.5. In relation to Condition 4b the appeal states that *'we are reluctantly willing to agree to the loss of the additional floor area which would have been provided by the outshoots for the already modest room sizes, in order to comply with the interpretation of Policy AR1. In a replacement of the outshoots, a revised design has been submitted with the appeal which provides for a window at this location.'*
- 7.6. It is Council Policy under Policy AR1(ii) to protect structures included on the RPS from any works that would negatively impact on their special character and appearance.
- 7.7. I note that a similar application was submitted to the Planning Authority under D19A/0027 at the adjoining house at No. 4. Permission was originally sought for the development indicated in Figure 2 of the appeal documentation but following a Further Information Request by the Planning Authority, a number of alterations were made and permission was granted in accordance with Figure A attached to this report.
- 7.8. I consider that the concerns raised by the Conservation Officer and the Planning Authority are valid. I share the view that the creation of a new window opening and the introduction of a proposed level 6 are out of keeping with the composition and external expression of the protected structure and the rhythm of the terrace as a whole and would have adverse impacts on the protected structure. I also consider that the proposed zinc outshoots would introduce a new element to the terrace which would disrupt the terrace and would have an adverse material impact on the protected structure. I note that the drawings submitted in the appeal provide for a window in lieu of the zinc outshoots. I would have concerns in relation to this window having regard to the proximity to No. 2. The previous proposal on the site provided for a smaller window with obscure glazing at this location and concern was expressed in the reasons and considerations by the Board in relation to overlooking of adjoining properties.
- 7.9. As such, having regard to the context of the development and the permitted development on the adjacent site at No. 4 Phoenix Terrace, I consider that both the zinc outshoots and the introduction of a new window at level 6 would adversely impact on the character of the protected structure, would detract from the visual

amenity of the area, would materially affect the protected structure and would contravene Policy AR1 and Section 8.2.11.2(i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, it would set a precedent for similar development in the terrace. As such, I consider Condition No. 4 is necessary and should be attached by the Board.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 4 for the reason set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, the established pattern of development in the area and the nature, scale and design of the proposed development, it is considered that the introduction of a new window opening at level 6 and of the provision of two zinc clad ‘outshoots’ on the south- western façade of the rear return would negatively impact on the character of the protected structure at this location, would detract from the visual amenity of the area, and would contravene Policy AR1 and Section 8.2.11.2 (i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Emer Doyle
Planning Inspector

11th July 2019