



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304136-19**

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<b>Development</b>	RETENTION: PROTECTED STRUCTURE: Car protection canopy for vintage cars constructed on the site.
<b>Location</b>	71, Rathgar Road, Rathgar, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2071/19
<b>Applicant(s)</b>	Dr Matt and Mrs Eileen McHugh.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Dr Matt & Eileen McHugh.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> May 2019.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site comprises the residential property No 71 located on the western side of Rathgar Road, Rathgar, Dublin 6. The dwelling is a fine example of a regency villa and is a protected structure RPS Ref 7069. The front garden is gravelled and landscaped, and the canopy subject of the proposed retention application is located adjacent to the north-eastern boundary.

## 2.0 Proposed Development

2.1. The application as set out involves permission for retention of car protection canopy for vintage cars. The canopy cantilevers from the side boundary wall and two trees. It rises to a maximum height of 2.5m, is 8.58m long and 2.8m deep. It has a perspex roof, and framework is painted black and green.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 By order dated 12<sup>th</sup> March 2019 Dublin City Council notified of its decision to refuse permission for the following reason.

*“The retention of the car parking canopy would injure the setting of the protected structure and would seriously injure the special architectural character of its curtilage as the structure does not relate sensitively to the architectural detail and character of the protected structure. The introduction of this car parking canopy has resulted in the loss of visual amenity as well as an erosion of actual amenity in the front garden of the protected structure. The proposal therefore contravenes Section 11.1.5.1 CHC2 (b) and (d) and 16.10.18 of the Dublin City Council Development Plan 2016-2022. Furthermore, the proposal would set an undesirable precedent for similar type developments and would be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's report recommends refusal.

### 3.2.2. Other Technical Reports

3.2.2.1 Engineering Department – Drainage Division report no objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works. Version 6.0.

3.2.2.2 Conservation Officer recommends refusal on the basis that the canopy injures the setting of the protected structure and seriously injures the special architectural character of its curtilage. Permission would set an undesirable precedent.

### 3.3. Prescribed Bodies

No submissions

### 3.4. Third Party Observations

No Submissions

## 4.0 Planning History

**4351/15** Permission granted to demolish existing front garden wall and provide new dwarf wall, railing and electric gates as per drawings, to extend at the rear to provide new single storey garden room; to provide new bathroom at the side passage area, to repair the roof with conservation quality slates flashings and associated guttering to provide new conservation grade rooflights to rear roof area, repoint chimneys as required new lime plaster render to rear elevation, glazed panels to existing front door to detail; incorporation of existing external water tank into structure of new bathroom pods. Internal alterations include the upgrade of services the widening of existing kitchen ope to garden; the forming of a new door in existing window ope to utility reinstating mouldings and centrepiece to front reception additional insultation to attic and floor voids rewiring and replumbing throughout.

**1735/98** Permission for modifications to previously approved garden level apartment (0936/97) incorporating new kitchen extension to side and minor internal alterations in listed building.

**0936/97** Permission for a self-contained apartment in basement of listed building, vehicular entrance and landscaped car parking.

## 5.0 Policy Context

### 5.1. Development Plan

- The Dublin City Development Plan 2016-2022 refers.
- The site is zoned Z2 the objective is “*To protect and/or improve the amenities of residential conservation areas.*”
- Policy CHC2 “*to ensure that the special interest of protected structures is protected.* Development will conserve and enhance Protected structures and their curtilage and will:
  - (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
  - (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.”
- Policy CHC4 “*To protect the special interest and character of 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.”
- Section 16.10.18 Parking in the Curtilage of Protected Structures and in Conservation Areas. “Poorly designed off-street parking in the front gardens of protected structures and in conservation areas can have an adverse effect on the special interest and character of these sensitive buildings and areas.”

### 5.2. Natural Heritage Designations

None

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development proposed for retention and to 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 The first party appeal is submitted by CPA Architects on behalf of Dr Matt and Mrs Eileen McHugh. Grounds of appeal are summarised as follows:

- Canopy was constructed to provide protection for vintage cars which Dr McHugh collects.
- Works to house carried out to the highest standard.
- Canopy is cantilevered out from trees to avoid further verticals.
- Additional mitigation measures proposed including darkening of green stain to blend with vegetation, remove perspex and replace with fine mesh and grow trailing plants along the framework.
- Carparking justified within the curtilage in light of the new bus corridor.

### **6.2. Planning Authority Response**

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

## **7.0 Assessment**

7.1. The grounds for refusal are on the basis that the retention of the canopy is injurious to the setting of the protected structure and is injurious to the special architectural character of its curtilage as the structure does not relate sensitively to the architectural detail and character of the protected structure. I would concur that the canopy structure is visually obtrusive and detrimental to the character of the building. The development does not relate sensitively to the scale, proportions, design, period and architectural detail of the original building and does not relate to and complement the special character of the protected structure as required by Policy CHC2 of the Dublin City Development Plan 2016-2022. I do not consider that the

additional mitigation measures proposed would render the structure visually acceptable. On this basis I recommend that the Council's decision to refuse be upheld.

## 8.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld, and permission refused for the following reason.

## 9.0 Reasons and Considerations

Having regard to the to the zoning objective, Z1 ;"to protect, and/or improve the amenities of residential conservation areas", and to Policy CHC2 of the Dublin City Development Plan, 2016-2022, to the character of the existing protected structure and to the established pattern, scale and architectural character of the area, it is considered that the retention of the canopy structure would constitute substandard development within the curtilage of the protected structure which results in a loss of visual amenity and fails to in integrate satisfactorily with the existing protected structure. As a result, the development proposed for retention would be obtrusive and overbearing in impact and would set undesirable precedent for similar development in the area. The proposed development contravenes Policy CHC2 of the Dublin City Development Plan and would therefore be contrary to the proper planning and development of the area.

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Bríd Maxwell  
Planning Inspector

11 July 2019