



An
Bord
Pleanála

Inspector's Report ABP 304967-19.

Development	Internal and external refurbishments, demolition of rear return outbuildings and toilets, and construction of rear flat roof extensions.
Location	Nos 7 and 8 Pembroke Gardens. Dublin 4. (Protected Structures.)
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2936/19
Applicant	Strand Trust Ltd.
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Pembroke Road Association
Date of Inspection	26 th September, 2019.
Inspector	Jane Dennehy

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1.0 Site Location and Description

1.1. The application site is that of a pair of small semi-detached, early twentieth century cottages within the Pembroke Estate which have small front gardens and small yards at the rear. Each of the cottages has a stated floor area of thirty-eight square metres and are modelled on the 'garden village' concept. Twenty four two storey and single storey semi-detached dwellings along two streets with a small meeting hall (converted to a dwelling) at the corner enclose and have direct access to a large triangular shaped communal garden at the rear of the houses which, on its third side is enclosed by limestone walling and an entrance gate.

2.0 Proposed Development

2.1. The application is a revised application in which the applicant seeks to address the reasoning for the refusal of permission for a prior proposal for upgrades and extensions to the two cottages. (P. A. Reg. Ref. 2374/18 refers. Details are under para 5 below.) For each cottage the application lodged with the planning authority indicates proposals for:

- demolition of rear return outbuildings and toilets, the stated floor area of which is circa fifteen square metres for each cottage.
- Alterations to and, reconfiguration of the internal layout including removal of partitions to provide for two bedrooms and kitchens and bathrooms for each dwelling. The existing concrete floor slabs are to be replaced with insulated slabs. The attics are also to be insulated and gas fired central heating systems are to be installed.
- Internal and external refurbishments and repairs to include, works to the clay tied roof tiles, timber bracketed eaves, brickworks and sash windows.

The application includes a brief "Conservation Appraisal" and an "architectural heritage impact report" which includes details of the design concept for Pembroke Gardens, part of the Pembroke Estate, a building record and condition study along with photographs, and drawings prepared by the applicant's architect, statement of significance, and a statement of justification for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 1st July, 2019, the planning authority decided to grant permission for the development subject to a number of conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning officer having noted the planning history and the comments and recommendations of the conservation officer indicates a recommendation for a grant of permission subject to conditions which include the recommended requirements of the conservation officer .

3.2.3. Other Technical Reports

The **Conservation Officer** in her report expresses appreciation of the intentions of the applicant, a charitable trust in providing sheltered housing. She notes the architectural significance of the one storey and two storey houses and the small meeting hall at Pembroke Gardens which were constructed in 1919.

The proposed development is supported by the conservation officer in that it is concluded that an appropriate balance is reached whereby comfortable dwellings can be provided within the cottages with limited intervention to historic fabric and character. Conditions recommended include requirements for scaled drawing and a photographic survey of the existing kitchen at No 8, and for the works to historic fabric to be carried out appropriately experienced conservators in accordance with good conservation practice and for the project to be managed and implemented, under the direction of an architect with specialist expertise in building conservation.

The report of the **Drainage Division** indicates no objection to the proposed development.

3.2.4. Third Party Observations

A submission was lodged by the appellant party in which support for the proposed development is indicated. It is also stated that the application drawings lack sufficient

detail and objection to the selection of materials, failure to copy English brick bonding, retention of unsuitable windows and lack of a rear elevation window overlooking the communal gardens. A brick finish is recommended for the extension and it is recommended that the existing heavy wiring which is exposed be removed.

4.0 Planning History

- 4.1. **P. A. Reg. Ref. 2374/18/304968**; The planning authority decision to refuse permission for internal and external refurbishment works and single storey extensions was upheld following appeal based on the reason reproduced in full below:

“The existing cottages are included on the record of protected structures and are located within the Pembroke Estate which is designated as a Conservation Area. It is considered that the proposed development involves extensive interventions to and loss of original historic fabric which would adversely and irreversibly affect the integrity of the existing cottages, protected structures, and their special character within the context of the historic streetscape. As a result, the proposed development would materially contravene Policy CHC 2 of the Dublin City Development Plan, 2016-2022 which provides for ensuring the protection of the special character and integrity of protected structures and section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform and protection of proportions within buildings. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.”

- 4.2. The planning officer in his report has provided details of several other prior applications for development at other Pembroke Estate cottages in the vicinity at properties within Pembroke Gardens. (These prior applications include P. A. Reg. Refs 5913/07, 3694/07, 3993/09 and 3504/16.)

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 within an area subject to the zoning objective: Z2: “*to protect, and/or improve amenities of residential conservation areas.*”

The two cottages are included on the record of protected structures along with the other twenty-five dwellings at Pembroke Gardens.

Policy CHC2 provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Pembroke Roads Association on its own behalf on 24th July, 2019 the contents of which are outlined in summary form below.

- It is regrettable that the two properties are deteriorating and remain unoccupied having regard to delays attributable to the planning history.
- The conservation officer reports on the previous proposal were more comprehensive and more reflective of the appellant’s concerns than the conservation officer report on the current proposal.
- It is acknowledged that in the current proposal the fireplaces, original windows and front doors, rainwater goods and, the side addition at No 8 are to be retained and that there is to be re-roofing with the original tines in the original style.

- It is accepted that the existing facilities inside the cottages are basic, that modernisation is necessary and, that reversibility is provided for in the proposed modernisation and renovation.
- The rear extension should be configured so that the existing timber detailing below eaves level is retained.
- The rear extension could support a generous window, overlooking the communal gardens reflecting the windows to the front instead of the blank wall breaking up the rendered surface which is incompatible with the brickwork. It would bring in light and solar gain. A Crittal style window and door would be more attractive and in keeping with the date of construction than the proposed back door.
- The site addition at No 8 should be refurbished for use as a shed/binstore.
- It is desirable that drawings for changes in which external plumbing, flues, vents and cabling are shown and that they not be overlooked in the development. The timber detailing is virtually obscured by heavy wiring which should be concealed as is recommended in section 8.5.13 of “*Architectural Heritage Protection; Guidelines for Planning Authorities.*” (DOEHLG 2005).

6.2. Applicant’s Response.

6.2.1. A submission was received from Gerard Irvine on behalf of the applicant on 20th August, 2019 according to which:

- It is agreed that the cables running across and under the eaves are unsightly and it is intended to relocate them underground.
- Matching the brickwork and brick bonding and matching the windows and doors in the extensions which are not part of the original structure in a counterfeit fashion would conflict with the original structure and would be contrary to good conservation practice.

6.3. Planning Authority Response

6.3.1. There is no submission from the planning authority on file

7.0 **Assessment.**

- 7.1. The subject application is a revised proposal in which the reasoning for the refusal of permission for the previous proposal, especially with regard to the extent to which removal of and intervention to historic fabric which was deemed unacceptable.
- 7.2. The applicant is a Charitable Trust which wishes to extend and to upgrade the two vacant cottages to achieve modern standards for use as habitable sheltered housing, which are vacant before making them available for occupation.
- 7.3. The cottages which are included on the record of protected structures are of special interest in terms of their special architectural, historical and social interest as individual structures and in the context of the twenty-four two storey and single storey early twentieth century houses and small meeting hall on Pembroke Gardens and communal gardens within the Pembroke Estate.
- 7.4. The contention in the appeal that the selection of materials and finishes for the proposed single storey extensions at the rear are incompatible with the existing historic and fabric, external finishes and design detail is inappropriate is not accepted. It is appropriate and consistent with good conservation practice for new additions to be clearly distinguished from the historic fabric and in the case of the current proposal the selection of materials and finishes for the extension and for the proposed rear entrance doors are considered appropriate and compatible with the historic fabric and character of the cottages.
- 7.5. The suggestions in the appeal as to the proposed refurbishment of the side element at No 8 for possible future use for storage purposes is supported. In addition, it is agreed that services that are external can be overlooked in projects such as that of the proposed development. Subject to implementation of the proposed works, including services under the direction of an architect with specialist expertise in building conservation it can be reasonable anticipated that these matters would be appropriately addressed. It is noted that the applicant has given an undertaking to request service providers to arrange to have cables erected across the front elevation and which are unsightly relocated underground.
- 7.6. With regard to the worthy suggestion in the appeal that the single storey rear extensions should not conceal the eaves and external timber detailing at the rear is

appreciated. However, it is considered that, the scope for achievement of sufficient internal headroom consistent with TGD standards may not be feasible, unless the finished floor level for the proposed replacement insulated floor slabs is reduced.

7.7. In conclusion, it is noted that all parties are in favour of an outcome in which a balance whereby upgraded and modern living accommodation can be provided in the cottages, with some interventions to planform and loss of historic fabric being justified based on maximisation of preservation of the integrity of the structures and their architectural character themselves and the context of Pembroke Gardens. Although it is acknowledged that the appellant party is not entirely satisfied over some elements of the proposed development the application, as proposed is considered acceptable, subject to conditions.

7.8. **Environmental Impact Assessment – Screening.**

7.8.1. Having regard to the minor nature of the proposed development and its location in a serviced inner suburban 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.

7.9. **Appropriate Assessment.**

7.9.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, no Appropriate Assessment issues arise. The 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**

8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be granted based on the draft reasons and consideration and conditions set out overleaf.

9.0 **Reasons and Considerations**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the integrity and special

architectural character of the existing cottages which are included on the record of protected structures or their context in the historic streetscape within the Pembroke Estate which is designated as a Conservation Area. As a result, the proposed development would be in accordance with Policy CHC 2 of the Dublin City Development Plan, 2016-2022 which provides for ensuring the protection of the special character and integrity of protected structures and would 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, 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. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005 and who shall oversee and provide for the following requirements:
 - (a) Prior to the commencement of the development, a conservation method statement appropriate for the works to the existing historic fabric shall be submitted and agreed in writing with the planning authority.
 - (b) Prior to the commencement of the development the applicant shall provide, at a scale of 1:10, detailed survey drawings and a photographic survey of the internal kitchen at No 8 Pembroke Gardens to the planning

authority. The kitchen shall be disassembled in accordance with good conservation practice and made available for future re-use.

- (c) All removal, repair, reinstatement and replacement works, the existing structure, fixtures and features including interventions to facilitate installation of replacement windows, new floor slabs and all services shall be carried out under the direction of the appointed architect with specialist expertise in historic building conservation.

Reason: In the interest of clarity, good conservation practice and to ensure the protection of the historic fabric, integrity and special interest of the cottages and the architectural character of the Pembroke Gardens streetscape.

3. Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes for the proposed extensions including doors and windows, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

- 7 All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

Reason: In the interest of public amenity orderly development and traffic safety.

Jane Dennehy
Senior Planning Inspector
27th August, 2019.