



An
Bord
Pleanála

Inspector's Report ABP305660-19

Development	Removal of two-storey extension to rear; erection of two-storey extension to side and rear and renovation works to main home at No. 10 Leeson Park Avenue (Protected Structure).
Location	10 Leeson Park Avenue, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3163/19.
Applicants	Aelred and Maud Doyle.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	(i) Deirdre Smith, (ii) Sasha Smith and Others,
Observers	(i) Guy Johnson and Helen Keelan, (ii) John Bligh, (iii) The Upper Leeson Street Residents Association.
Date of Site Inspection	29 th January, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

ABP305660-19 relates to two third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the removal of a two-storey extension to the rear of dwelling and the construction of a two-storey extension to the side of No. 10 Leeson Park Avenue, Dublin 6 which is a protected structure. A number of observations were also submitted objecting to the proposed development. The concerns relating to the proposed development chiefly concern the impact of the proposed development on the visual and residential amenities of the area and on the architectural and historic integrity of the protected structure.

2.0 Site Location and Description

- 2.1. The appeal site is located on Leeson Park Avenue, an attractive mature residential road dating from the mid-19th century. Leeson Park Avenue links up with Appian Way to the west and is approximately 2.5 kilometres south of Dublin City Centre. No. 10 Leeson Park Avenue is located at the southern end of the thoroughfare and backs onto the grounds of the Royal Hospital in Donnybrook.
- 2.2. The site is triangular in shape and accommodates a single storey overbasement redbrick dwelling with single storey overbasement extension to the rear. The site also accommodates a triangular shaped side garden which is sunken below street level. The building is listed in Dublin City Council's Record of Protected Structures. No. 10 forms part of a terrace of single storey overbasement redbrick dwellings dating from the Victorian period located along the southern side of Leeson Park Avenue. The entire terrace is included on the Record of Protected Structures.
- 2.3. No. 10 Leeson Park Avenue accommodates two bedrooms, a kitchen/dining area and toilet at lower ground floor level and a bedroom, bathroom, lounge and sitting room at ground floor level.
- 2.4. A series of steps lead up to the front doorway, which is centrally located along the front elevation. The layout of the subject site is somewhat different from the adjoining residential dwellings along the terrace.

3.0 Proposed Development

- 3.1. Planning permission is sought for the demolition of an extension to the rear of the dwelling which was constructed in the 1990s.
- 3.2. It is also proposed to remove a small brick shed/outhouse within the side garden of the dwellinghouse and existing small glasshouse in the front garden is to be removed and a new opening is proposed in the stone wall which separates the side garden and the front garden.
- 3.3. The proposal also seeks to remove approximately 900 millimetres of granite kerb and railing along the front boundary of the site to create a new pedestrian gateway to the side garden. The 1990s extension to be demolished accommodates a small shed and bedroom at lower ground floor area and a bathroom at ground floor area.
- 3.4. A new 40 square metre extension to the side and rear of the existing dwelling is proposed to replace the living accommodation to be demolished. The extension to the rear and side is to accommodate a new shed adjacent to the existing gable and bathroom to the rear at lower ground floor level. The bathroom to the rear will provide a new en-suite bathroom to Bedroom No. 1. At ground floor level it is proposed to provide a new dining area and bathroom. The dining area is to extend to the rear boundary wall of the house and extends its footprint over the proposed lower ground floor area. The upper floor extension is to incorporate full height aluminium windows and timber angled fins on its external elevation. A new fibreglass flat roof is proposed over the new extension. The flat roof profile is to drop just below the parapet level of the existing dwelling. The external elevations of the proposed extension are indicated on Drawings 19003-PO1 to 306.
- 3.5. It is also proposed to incorporate some internal alterations within the existing dwelling to include a new en-suite and new walk-in wardrobe to serve Bedroom No. 2 to the rear at lower ground floor level.
- 3.6. The proposed alterations also involve landscaping works to the front, rear and side gardens and a new platform for a bin store to the front garden.

4.0 **Planning Authority's Decision**

Dublin City Council issued notification to grant planning permission subject to 7 standard conditions.

4.1. **Documentation Submitted with the Planning Application**

- 4.1.1. The planning application was received by the Planning Authority on 4th June, 2019.
- 4.1.2. The application was accompanied by a covering letter from Desún Architects. It states that the applicants intend to refurbish the house as the primary residence and plan to retain the historical features of the main house while adding a modern extension to the side and rear. The covering letter goes on to detail the proposed development (see previous section above).
- 4.1.3. Also attached is a Conservation Report outlining the historic significance of the protected structure and includes a collection of historical maps indicating the historic development of the street and the surrounding area. The proposal seeks to move the main living space from the lower to the upper ground level. The Conservation Report describes No. 10 Leeson Park as an 'end of terrace Victorian one-storey over garden level townhouse built c.1860'. The report goes on to set out in detail the layout of the building making specific reference to the roof, windows and doors and internal decoration. Details of the cornicing and other decorative works within the building is set out.
- 4.1.4. It is stated that the works will be carried out with due care and attention to detail and the extension will constitute a high-quality contemporary design which will be distinct from the form of the original house. It is argued that the proposal will not interfere with the important architectural, historical, archaeological or other features associated with the house.
- 4.1.5. A detailed photographic survey of the interior and exterior of the dwelling is also submitted with the application.

4.2. **Objections and Observations**

- 4.2.1. A number of letters of objection were submitted, mainly from residents of Leeson Park Avenue. Many of the objections and observations submitted do not object to the

principle of developing the subject site. However, there are concerns that the overall design and glazing arrangements could adversely impact on adjoining residential amenity and the conservation value of the subject site.

4.2.2. The contents of the observations and objections submitted to the Planning Authority have been read and noted.

4.2.3. A report from the Engineering Department, Drainage Division states that there is no objection to the proposed development subject to the developer comply with the Greater Dublin Regional Code of Practice for Drainage Works.

4.2.4. A report from the Conservation Officer provides a detailed assessment of the proposed development and recommends that additional information be requested including a reduction in the overall scale and mass of the proposed extension so as it results in a more subservient addition to the main house.

4.3. **Additional Information Request**

4.3.1. On 30th July 2019 Dublin City Council requested additional information in relation to the following:

- The applicant is requested to reconsider the depth of the two-storey extension so as it reads as a more subservient volume.
- The applicant is requested to relocate the bin storey platform which will be less visible from the historic streetscape. The applicant is requested to reconsider the width of the proposed internal opening between the proposed kitchen and dining room so as to be limited to a maximum of 3 metres in order to protect the historic fabric of the protected structure.
- Further details with regard to the relationship between the historic boundary wall and the underside of the proposed extension and the external walls of the rear extension at first floor.
- Further details are requested with regard to the extent of works on the historic stone wall between the subject site and the Royal Hospital, Donnybrook.
- Further details of the materials, colours and textures of all external finishes.

- A selection of verified photomontages of the proposed dwelling in the context of existing dwellings.

4.4. Additional Information Submitted

4.4.1. Further information was submitted on 26th August, 2019 and included the following:

- The proposed ground floor plan has been reduced in depth by 300 millimetres. Reference is made to Drawings 19003-P-205 and 19003-P-301.
- The relocation of the bin store is indicated in Drawing 19003-P-206. The bin store is to be relocated to a more concealed area within the front garden.
- The width of the internal opening between the proposed kitchen and dining room has been reduced to 3 metres and this is indicated in Drawing 19003-P-205.
- Further sections through the side of the rear extension is indicated in Drawing 19003-P-309.
- With regard to the common boundary wall between the subject site and the Royal Hospital, it is stated that once the abutting pier of the existing extension is carefully removed and no further works affecting the walls will occur.
- Further details in respect of materials and photomontages are also submitted.

4.5. Further Assessment by Planning Authority

Further Conservation Report by Dublin City Council states that the Conservation Department is supportive of the contemporary high quality and innovative designs and that there is much to admire about the proposal before the Board. There are however concerns with regard to the cantilevered two-storey extension to the side and rear which may have subsequent negative impact on the legibility of the architectural character. Concerns are still expressed that the extension would constitute an overly dominant element to the rear of the protected structure.

4.5.1. Notwithstanding these concerns it is recommended that planning permission be granted for the proposed development subject to the bin store being omitted from the proposal and that the length of the extension being reduced so as it reads more

subservient in volume in relation to the architecture of the rear elevation of the protected structure. The Conservation Report also recommends four other standard conditions.

- 4.5.2. The planner's report prepared on foot of the additional information submission notes that additional information and the comments of the Conservation Officer in respect of the additional information. The planning report disagrees with the conclusion of the conservation officer with a condition scaling back the rear portion of the extension. It is the planning officer's opinion that the extension would be subordinate in volume as proposed. Furthermore, it is considered that the additional information has sufficiently addressed the concerns of the Planning Authority and that the proposed development is considered to have an acceptable impact on the character of the protected structure and the appearance of the surrounding Residential Conservation Area and it is therefore recommended that planning permission be granted for the proposed development.

5.0 Planning History

No history files are attached. There is no reference to any planning history associated with the subject site in the planning report.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council was the subject of two separate third party appeals by Deirdre Smith of No. 9 Leeson Park Avenue and a separate appeal on behalf of Sasha Smith of 9 Leeson Park Avenue and the Residents Association of Leeson Park Avenue and Mr. Guy Johnson of 8 Leeson Park Avenue. The issues raised in the grounds of appeal are of a similar nature and for this reason are summarised in group format below.

- The existing group of buildings along the south-eastern side of Leeson Park Avenue comprise a terrace of dwellings incorporating a uniformity and repetition of design in terms of building form, height, massing and fenestration. These external features create a unique sensitive place. The proposed modern temporary extension in no way reflects the existing

architectural uniformity and integrity and will detract considerably from the architectural quality of the street.

- The alignment of plot layout of the proposed extension is at variance with the established plot widths and architectural character of the street. Any proposed extension should reinforce the uniformity and character of the street rather than detract from it.
- The gable end of No. 10 is highly prominent in the context of the street as a whole and this necessitates a more formal and conservative approach to any future architectural extension. It is argued that the existing extension to the rear built in the 1990s is more modest in size and scale and more sympathetic to the surrounding environment.
- The size and scale of the extension is incongruous and overwhelms the understated uniformity of the terrace. The size and scale of the proposed extension and the cantilevered nature of the extension above lower ground floor level represents an incongruous and inappropriate addition to the streetscape.
- The Conservation Officer's Report emphasises the need to reduce the size and scale of the proposed extension to ensure that it is more subservient to the main structure on site. However, this was not taken on board by the local authority planner in his assessment of the application.
- The extension incorporating a dining room constitutes a habitable room which will result in direct overlooking of the neighbouring dwelling at No. 9 Leeson Park. The previous extension overlooked the open space area associated with the Royal Hospital as opposed to the existing bay window at No. 9 Leeson Park. The degree of overlooking which would arise from the proposed extension is deemed to be unacceptable. The incorporation of timber fins does not constitute an appropriate material and will degrade poorly in the Irish climate. Furthermore, the timber fins do nothing to alleviate overlooking or protect the amenities of the dwelling adjacent. The proposal results in the total reorientation of the living space of No. 10 so as it totally centres on the kitchen area to the rear of No. 9.

- The proposal will also give rise to overshadowing concerns to the rear of No. 9 and a shadow casting study should have been undertaken to assess this issue.
- The photomontages clearly depict the extension as having an overt and dominant impact on the integrity and design of the existing dwellings and surrounding dwellings. It is argued that the size and scale of the proposed extension together with the contemporary style, architect and inappropriate external finishes overwhelms the existing dwelling on site.
- The cantilevered element is totally at variance with the existing structure and the visual impact is exacerbated by the inappropriate palette of materials used on the external finishes.
- The bin storage proposed is permanent and detracts from the setting of the dwelling.
- Furthermore, it is argued that there is no justification for the breaking out of a new opening in the Victorian railings or the insertion of a new entrance in the Victorian wall in order to accommodate and incorporate a new modern staircase.
- It is argued that there is a planning precedent which is relevant in that Dublin City Council omitted a 21 square metre extension at No. 1 Leeson Park Avenue by way of condition.
- There is no evidence that the policies and provisions contained in the Architectural Heritage Protection Guidelines were taken into consideration in dealing with the current application.
- There was no independent architectural conservation report undertaken by the applicant in respect of the application before the Board.
- It is argued that the proposed development is contrary to the policy statements contained in the Architectural Heritage Protection Guidelines in relation to cumulative impacts arising from the various alterations proposed, impacts on the overall front elevation of the dwelling and the overall impact on a group of buildings which are protected structures.

- It is also argued that the proposal is contrary to many specific policy statements contained in the development plan. Specific reference is made to CH2 and CH4 and Section 16.10.12 and Appendix 17 of the Plan.
- It is suggested that many of the concerns raised in the objections to the local authority were dismissed out of hand without a proper and detailed assessment.

7.0 Appeal Responses

7.1. A response was received on behalf of the applicants by Desún Architects.

- In relation to overlooking it is stated that the original window of the main living space reception room to the rear of No. 10 overlooks the gardens of No. 9. This is a large sliding sash window and part of the original structure. It is also noted that the first-floor window in the return of No. 9 faces directly towards the garden of No. 10 and is less than 4.5 metres from the garden wall. It is stated that the proposed glazed extension to No. 10 is rotated 45 degrees away from the adjacent garden and faces directly towards the grounds of the Royal Hospital, Donnybrook.
- A 3D cutaway model of the upper floor of the extension to No. 10 is contained in the response. It is stated that with the orientation of the window seat proposed and the privacy fins it would require strenuous effort on the part of the applicant to gain a glimpse into the garden of No. 9 from this position.
- It is stated that the primary focus of the rear of the existing house is across the grounds of the Royal Hospital, Donnybrook. The Royal Hospital, Donnybrook have expressed no further concerns in relation to the proposed development after discussing same with applicant.
- With regard to the architectural significance of the terrace, it is stated that Leeson Park Avenue is a good example of Victorian development. However, No. 10 differs from Nos. 4 to 9 (which in themselves have some notable variations) in that No. 10 was not paired and does not share a granite entrance stair with another property. This was done most likely to fill in an

irregular corner site. It is stated that the gable of No. 10 is unremarkable, plain rendered and the rear of the terrace is entirely varied. Nos. 4 to 9 have returns constructed as part of the original houses although with slight differences. The proposed extension to No. 10 maintains the principle living spaces at first floor. The rhythm of the vertical timbers seeks to recall Victorian greenhouses. It is stated that locating the modern element at the gable allows for the original proportions of the rooms internally to be maintained while externally a lower height extension wrapped in a vertical timber rhythm is clearly subordinate to the original fabric.

- With regard to the bin store it is stated that the location of the bin store is a response to the very pragmatic needs of the applicants (a couple in their 70s) from pulling full bins up the existing stone steps from the lower front garden. The design of the freestanding bin store which sits behind the Victorian railings is proposed as a light timber slated enclosure which softens the appearance of the wheelie bins.
- The removal of a small section of granite kerb and the incorporation of an opening in the railings is provided in order to provide an access point to the garden to the side of No. 10. This access reduces the number of steps the occupants will need to navigate in order to access the garden. The proposal provides an age friendly access that does not involve ramps or lifts.
- In conclusion, it is argued that the proposed development does not injure the amenity of the surrounding properties but does provide an existing historic house with a viable modern accessible sustainable extension.

7.2. Further Submission

A submission from Reid and Associates on behalf of Sasha Smith fully supports the third-party appeal by Deirdre Smith and make reference to the images contained in the said appeal which clearly show the incongruous nature of the proposed design and its impact on the streetscape.

8.0 Observations

8.1. Observation by Guy Johnson and Helen Keelan.

- 8.1.1. Concerns are expressed in this observation that the westerly facing window interferes with existing privacy of the adjoining gardens. It is also argued that the proposed wooden finish would not be in keeping with the period look of the houses in question. It is stated that a extension was undertaken at No. 26 which blends in with the existing development (see photo attached).
- 8.1.2. Concerns are expressed in relation to the wood finishes. The wood requires very regular maintenance which cannot be guaranteed. This is evident in more modern developments where wood finishes are used. The creation of an additional gate is inconsistent with a refusal to grant an additional gate at No. 1 Leeson Park recently.
- 8.1.3. Finally, the observation welcomes the proposed bin waste management solution. The bin management is a problem on the street since the advent of the new larger bins.

8.2. Observation from John Bligh of 25 Leeson Park Avenue

- 8.2.1. This observation expresses concerns in relation to the scale and design of the proposed development and would result in an enlarged and unbalanced addition of a modern structure which is inappropriate in the Victorian area.
- 8.2.2. The proposed extension would be much more prominent and intrude on the visual continuity of the terrace and would also diminish views from the recreational grounds of the Royal Hospital.
- 8.2.3. The proposal to introduce a bin bay to the right of the front door simply exacerbates the visual ugliness of the bins without resolving the problem. The proposal would detract from the designated conservation area.

8.3. Observation of the Upper Leeson Street Area Residents Association

This observation generally supports the view of the third-party appellants that highlight the inconsistency between the planning report and Conservation Officer's report of Dublin City Council in relation to the planning application. The observers concur with the Conservation Officer's conclusion that the proposed extension might be overly dominant by reason of its location, massing, bulk and orientation. The

proposal by reason of its scale and location would result in a visually obtrusive dominant form of development that would seriously injure the amenities of this Conservation Area.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 9.2. The site is governed by the zoning provision Z2 “to protect and improve the amenities of residential conservation areas”.
- 9.3. Policy CHC2 seeks 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, fittings and material.
 - (d) Not cause harm to the curtilage of the structure, therefore the design, form, scale, height, proportions, sitings and materials of new development should relate to and completing the special character of the protected structure.
 - (e) Protect architectural items of interest from damage or theft while buildings are empty during the course of work.
 - (f) Having regard to ecological considerations for example protection of species such as bats.
- 9.4. The Development Plan notes that Residential Conservation Areas have extensive groupings of buildings and associated open space with an attractive quality of architectural design and scale. The overall quality of the area in design and layout

terms, is such that it requires special care in dealing with development proposals which affect structures in such areas both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

- 9.5. Policy CHC4 seeks 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.
- 9.6. Enhancement opportunities may include:
1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
 2. Reinstatement of missing architectural detail or other important features.
 3. Improvement of open spaces and the wider public realm, and reinstatement of historic routes and characteristic plot patterns.
 4. Contemporary architecture of exceptional design quality which is in harmony with the conservation area.
 5. The repair and retention of shop and pub fronts of architectural interest.
- 9.7. Development will not:
1. Harm building spaces, original street patterns or other features which contribute positively to the special interest of the conservation area.
 2. Involve the loss of traditional, historic or important building forms, features and detailing including roofscapes, shopfronts, doors, windows and other decorative detail.
 3. Introduce design details and materials such as PVC, aluminium and inappropriate designed or dimensioned timber windows and doors.
 4. Harm the setting of the conservation area.
 5. Constitute a visually obtrusive or dominant form.

- 9.8. Section 16.10.9 relates to the development in corner/side garden sites.
- 9.9. The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large sites. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house.
- 9.10. The Planning Authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites.

- Character of the Street
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of appropriate car parking facilities and a safe means of access and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- Maintenance of the front and side buildings lines where appropriate.

9.11. **Architectural Heritage Protection Guidelines for Planning Authorities**

- 9.11.1. Section 6.8.1 of the Guidelines notes in relation to extensions that it will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and to keep them in viable economic use. Where the existing exterior appearance of a structure is of special interest, and its interior is of sufficient size, it may be possible to incorporate new functions or services within the existing envelope of the structure. With flexibility and imagination, it may be possible

to use secondary spaces within the building obviating the need to extend where there would be minimal impact on fixtures and features of special interest. The cumulative effect of minor additions can compromise the special interest of the structure and character of an Architectural Conservation Area. The Planning Authority should consider this when assessing a proposal for even small extensions.

- 9.11.2. If planning permission is to be granted for an extension, the new works should involve the smallest possible loss of historic fabric and ensure that important features are not obscured or damaged or destroyed. In general, principle elevations of a protected structure (not just a façade) should not be adversely affected by the new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would destruct the symmetry or be detrimental to the design of the protected structure. Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historic styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a license for unsympathetic or inappropriate work. Careful consideration of the palette of materials which the works are to be executed can mediate between a modern design idiom and a historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.
- 9.11.3. In urban areas careful consideration needs to be given to proposals for the construction of rear extensions to protected structures and buildings within ACAs. Rear elevations sometimes contain fabric that is useful in reading the history of the structure, for example surviving older windows or doors. The effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as in a terrace) and this should be considered by the planning authority in assessing applications.
- 9.11.4. There may be cases where the Planning Authority considers that additions cannot be permitted without seriously compromising the architectural significance of a protected structure or its setting or be detrimental to the character of an ACA. In such cases proposals should not be permitted.

10.0 EIA Screening Report

The proposed extension to the existing house does not constitute a class of development for which an EIAR is required.

11.0 Planning Assessment

11.1. I have read the entire contents of the file and visited the subject site and its surroundings and have had particular regard to the issues raised in the appeals and observations submitted.

11.2. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Contemporary Design and Visual Amenity
- Overlooking and Overshadowing
- Other Issues

11.3. Contemporary Design and Visual Amenity

11.3.1. The grounds of appeal argue that the proposed development due to its unsympathetic design and its obtrusive nature will adversely impact on the uniformity of design and character of the street.

11.3.2. The row of dwellings including No. 10 were laid out as a terrace of residential houses in the 1860s. While the applicant highlights the fact that No. 10 located on a corner site incorporates a slightly different design than the adjoining houses in the terrace there can be little doubt that overall the terrace reads as a coherent architectural style. There is however a more pronounced variety of design along the entire streetscape with a mixture of two-storey and single-storey over basement dwellings. In this regard it is considered that the grounds of appeal, in my view somewhat over emphasis the uniformity of character along the entire street.

11.3.3. The proposal does not result in a significant intervention in the internal historic fabric of the existing house. It seeks to demolish the existing extension to the rear and replace it with a more contemporary design which wraps around the rear and side of the existing house. The fact that the current proposal wraps around the side of the house makes it more visually prominent particularly when viewed from vantage

points looking towards the front elevation. The applicant points out however that the gable end of No. 10 comprises of a cement render finish which is in itself of little intrinsic architectural value.

- 11.3.4. The extension, while unashamedly contemporary in design makes reference to Victorian idioms according to the applicant's response to the grounds of appeal. The response argues that the rhythm of the vertical timbers recalls a Victorian timber and glass 'orangery or greenhouse' which, it is argued, is most suitable and complementary to the existing structure on site.
- 11.3.5. I consider the overall design approach to be interesting and acceptable and the contemporary addition is an imaginative interpretation for designing an extension. While any views on the aesthetics of design is somewhat subjective, I consider that overall the design is innovative and of a high quality. I further note the conclusion of the Dublin City Council Conservation Officer which states that "*we are supportive of contemporary high-quality innovative designs that are reflective of today and there is much to admire about this proposal*".
- 11.3.6. It should also be the reasonable expectation that the applicants in this instance would be able to extend the dwelling to make it fit for modern living and while the proposed development represents a significant departure from the style and character of the existing house, it incorporates a minimal intervention of the fabric of the existing historic structure. The Architectural Protection Heritage Guidelines note that "*generally attempts should not be made to disguise new additions or extensions and make them belong to the historic fabric. 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*".
- 11.3.7. The proposed contemporary style therefore would not appear to be in conflict with the Guidelines for extensions to protected structures as set out in the above National Guidelines on Architectural Protection.
- 11.3.8. Concerns are also expressed that the timber fin cladding on the external elevation is likely to deteriorate over time and this will exacerbate the adverse visual impact. In response I would suggest that as in the case of any external finish, there would be an onus on the owners to appropriately treat and maintain the timber element of the external finishes as would be the case with any other external type cladding.

11.3.9. In conclusion therefore, I consider that the design, while representing a significant departure from the prevailing style of the area, is acceptable and would not be contrary to the guidelines in respect of new extensions onto protected structures.

11.4. Overlooking and Overshadowing

11.4.1. This issue in my view is more significant particularly as it is proposed to incorporate clear glazing on the south-western elevation at first floor level serving the dining area facing onto the rear return of No. 9 Leeson Park Avenue. The rear return of No. 9 incorporates a window facing eastwards onto the subject site. The distance between opposing windows is less than 10 metres. The degree of overlooking is in my view unacceptable. I do not accept the appellants' arguments that the internal layout of the room would be configured so as to direct views away from No. 9. Furniture and internal layout of rooms can always be altered should the applicant be so inclined. The fact that the glazing is located at first floor level will in my view exacerbate the potential for overlooking of the rear garden and rear return of No. 9. However, rather than refuse planning permission on the basis of overlooking it would be more appropriate in my view to condition that the proposed timber privacy fins be extended along the entire length of the south-west elevation at first floor level in order to address this issue adequately.

11.4.2. In terms of overshadowing, I do not accept that an increase in the level of overshadowing arising from the proposed development would be unacceptable from an amenity perspective. The level of overshadowing would not be significantly greater than that associated with the existing extension to the rear of the dwelling. The proposed extension includes an addition 3.5 metres of living space in the south-western area of the appellant's garden facing onto No. 9, over and above that associated with the existing bathroom at first floor level. This will not exacerbate overshadowing to any significant extent and any additional overshadowing will be confined to the rear patio of the applicants' garden during the early morning. The appellant's rear garden is south facing and therefore will be afforded good levels of sunlight penetration throughout the day.

11.5. Other Issues

Concerns are expressed that the alterations to the railings and external walls and the provision of a bin storage area in the front garden would further detract from the

existing dwelling on site. I consider these alterations to be relatively minor in nature and would not affect the visual amenities of the area to any appreciable extent. If the Board have concerns with regard to the proposed bin store it could in my opinion omit this element of the proposed development by way of condition.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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 a European site.

13.0 Conclusions and Recommendations

Arising from my assessment above I consider the Board should uphold the decision of Dublin City Council and grant planning permission for the proposed extension at 10 Leeson Park Avenue, Dublin 6.

14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 Reasons and Considerations

It is considered that the proposed extension to the rear and side together with the renovation works to the main dwelling at No. 10 Leeson Park Avenue would not seriously injure the visual amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26th day of August 2019, 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 the 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. Prior to the commencement of development, the applicant shall submit revised plans and particulars indicating that the proposed timber privacy fins on the south-west external elevation shall be extended across the entire south-western elevation facing onto the rear of No. 9 Leeson Park Avenue.

Reason: To protect adjoining residential amenity.

3. Prior to the commencement of development, the applicant shall submit further plans and particulars detailing the elevations and plans of the proposed bin store.

Reason: In order to protect the architectural character, legibility and setting of the protected structure.

4. The following requirements of the Heritage Department – Conservation Section of Dublin City Council shall be strictly adhered to.

- (a) A professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site to ensure adequate protection of the historic fabric during the works. In this regard all permitted works shall be designed to cause minimum interference with the building structure and/or fabric.

- (b) All works shall be carried out in accordance with best conservation practice and the Department of Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in situ including structural elements shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.
- (c) All existing original features shall be protected during the course of refurbishment.
- (d) All repair of the original fabric shall be scheduled and carried out by an appropriately experienced conservation expert of the historic fabric.

Reason: In the interest of protecting architectural heritage,

- 5. Details of all external finishes to the proposed extension including samples of the proposed materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 6. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

- 7. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

- 8. Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Fridays inclusive and between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Paul Caprani,
Senior Planning Inspector.

29th January, 2020.