



An
Bord
Pleanála

Inspector's Report ABP 305748-19

Development

Replace front façade, internal walls and ground floor, enclosure of external yard at basement and ground levels, reduction of basement floor level, new external access route and door to basement store, change of use to ground floor to commercial use as surgery and incorporation of external amenity space at roof level at No 54 Heytesbury Street. Internal amendments to grant of permission in der 32006/19 at ground level and new bedroom extension at first floor level to serve main house at No 55 Heytesbury Street.

Location

Nos 54 and 55 Heytesbury Street,
Dublin 2.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

3353/19.

Applicant

Kostas Efthymiou

Appellant

Kostas Efthymiou

Type of Appeal

First Party

Date of Site Inspection

13th February, 2020.

Inspector

Jane Dennehy

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1.0 Site Location and Description

1.1. The site subject of the application is that of two properties, (No 55 Heytestbury Street, and No 54 Heytesbury Street) which are at the northern end of a three-storey over-basement level nineteenth century house with ground floor retail unit (vacant) at the corner of South Circular Road, known as No 2 South Circular Road and as one of three houses known as “Lundy’s Terrace”. The house has its own, separate private entrance for the living accommodation over the retail unit off Heytesbury Street. The adjoining two single storey over basement structures, No 55 Heytesbury Street and No 54 Heytesbury Street are single storey over basement structures, No 54 being formerly used as a garage constructed over the original rear yard serving No 55 separating it from the row of two storey over basement terraced houses extending northwards on the west side of the street. No 55 which has been used as a doctor’s surgery has a similar brick finished to the front façade to the adjoining house at No 2 South Circular Road. At the time of inspection, both structures subject of the application were unoccupied were fenced off in that works were being carried out to the existing building at No 2 South Circular Road for which permission was granted under P. A. Reg. Ref. 2006/19:

2.0 Proposed Development

At No 54 Heytesbury Street, the proposed development entails:

Replacement of the front façade, internal walls and ground floor,

Reduction of the basement floor level, new external access route and door to basement store,

Change of use to ground floor to commercial use, as a surgery and incorporation of external amenity space, at roof level, serving existing house.

Enclosure of external yard at basement and ground levels, reduction of basement floor level.

At No 55 Heytesbury Street the proposed development entails:

Internal amendments to grant of permission under 2006/19 at ground level and, the addition of a new bedroom extension at first floor level to serve No 55 Heytesbury Street and all above and below ground site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 26th September, 2019 the planning authority decided to grant permission subject to conditions which include the following requirements:

Condition No 2, (a) Omission of first floor bedroom extension to No 55 Heytesbury Street and (b) Omission of first floor roof terrace over No 54 Heytesbury Street. Reasoning relates to visual impact on architectural character of the streetscape and protected structures and, residential amenities.

Condition No 3 (a) contains requirements for tanking of the basement, involving minimal intervention in accordance with the details agreed under P. A. Reg. Ref. 2006/19.

Condition No 3 (b) and (c), contains requirements for the works to be carried out under and architect with specialist expertise in historic building conservation in accordance with good conservation practice.

3.2. Planning Authority Reports

- 3.2.1. Further to issue of a request for additional information with regard to design detail and depth for the first-floor extension, the proposed front façade and receipt of a response a grant of permission was recommended, with inclusion of requirements for omissions as provided for under Condition No 2 which was attached. The conservation officer, who had indicated the recommendation for the additional information request in her initial report on the application, stated in her supplementary report that she was considered that the front facades failed to read as two distinct separate buildings. She recommended a grant of permission subject to conditions for the development, subject to conditions and recommended refusal of permission for the zinc extension for reasons relating to overbearing and unsympathetic impacts.

- 3.2.2. The planning officer was not satisfied with the proposed use of zinc cladding for the roof to the flat roof extension at No 54 Heytesbury Street and was not satisfied that in the further information submissions, it had been adequately scaled back change of use The planning officer was also not satisfied that the proposed roof terrace associated with the first floor extension would be acceptable at the location due to scale and size.
- 3.2.3. All the other elements of the proposed development, entailing mainly of the internal works and replacement façade, internal access route and change of use were deemed acceptable by the planning officer.

4.0 Planning History

P. A. Reg. Ref. 2006/19: Permission was granted for:

- (a) renovation of the ground floor and basement at No 2 South Circular Road and at No 55 Heytesbury Street for use as a dental surgery and for continuation of use as a medical practice.
- (b) Renovation of the residential space at basement, ground first, second and attic storage levels for use as a single dwelling unit.
- (c) addition off a two storey over ground floor bathroom extension to the north side of the existing house with two new bathrooms.
- (d) removal of uPVC windows and replacement with historic replica windows works to the external grassed space and exposed external basement areas and access and associated site works.

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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.”

One of the two properties subject to the application, No 55 Heytesbury Street is included on the record of protected structures.

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 providing for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.

Policy Objective CHC4 and Section 11.1.5.4 provides for protection of the special interest and character of Conservation Areas with works being required to enhance and contribute positively to the distinctiveness, character and setting of the environs.

Policies, objectives and standards for extensions and alterations to dwellings are set out in Section 16.10.12.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Mesh Architects, on behalf of the applicant on 23rd October, 2019 attached to which are copies of the application documentation and, in addition, visualisations of view from vantage points along Heytesbury Street.
- 6.1.2. The applicant, who is the owner of the properties subject of the application, objects to the omission, under Condition No 2 (a) and (b) of the first-floor bedroom extension and external amenity area included in the application. The submission includes some comments on and extracts from the planning officer reports.
- 6.1.3. According to the appeal,
 - The proposed bedroom extension is contemporary and sensitively designed, it complements the permitted bedroom extension, is recessed from the building line and, is subordinate resulting in minimal impact on the legibility and setting of the street and adjoining buildings. It aligns with horizontal datums in the street elevation, the windows are proportionate to the existing

and, the facade complements the street characteristics. Scale and massing, as reduced in the further information submission shows the extension as subordinate along with the bathroom extension and uses similar finishes.

- The external amenity area should be accepted. Conflicting views were indicated at each stage of the planning authority assessment. External amenity space is essential and a terrace similar to the initial proposed should be accepted. The terrace would be for occasional use and would not by virtue of size affect adjoining properties. It is partially visible from the street as shown in the visualisation included with the appeal. A glass balustrade on the west side is discreet with minimal impact on the surroundings.
- There is no external amenity space for the house at the level of the living accommodation and the proposed development provides an opportunity to enhance the residential component.
- The omission, by condition of the proposed bedroom, terrace and external amenity are would adversely affect the residential quality and the viability of the dwelling and future occupation as a main place of residence by the applicant. Reference is made to CDP policies in section 11.1.3 for encouragement of living above the business premises and suitable use and occupation of heritage buildings.
- The existing amenity area is a street level garden within the domain of the ground floor, with the proposed development responding to the opportunity to provide amenity space in the void overhead to serve residential development, the provision of which in city areas is a challenge, according to section 10.3 of the CDP. The proposed roof terrace was considered favourably by the conservation and planning officer and this conflicts with the final decision in which it is omitted. The void space offers a great opportunity for external private amenity space with minimal impact on the streetscape.
- The nearest public amenity spaces are at Iveagh Gardens with visits to it necessitating the use of paid parking.
- The site initially would have had amenity space which was developed as a service yard and subsequently infilled with the existing garage as a result of

which the amount of public amenity space has diminished and the properties now have no private amenity space.

- The planning officer's view that the development still has significant adverse impact on the architectural legibility and setting of No 55 Heytesbury Street and adjoining protected structures, taking into consideration modifications to the proposed bedroom extension, (providing a recess from the building line, reducing the floor area and reducing the length of the elevation to Heytesbury Street) made in the further information submission for the proposed bedroom extension are not accepted. Reference is made to the visualisations included with the appeal (Appendix E) in support of the argument that the impact visually is low in the context of the existing structure and the streetscape. The bedroom extension is visually discreet and similar to the bathroom extension at the rear. The contemporary design in the street elevations are high quality and neutral. The extension sits back from the building line and in this regard, it should be noted that the site of No 54 is in fact the rear of the house at No 55 Heytesbury Street and the design concept is for a rear extension with minimal impact.

6.1.4. In concluding remarks, it is submitted that a balanced approach has been taken which results in extensive conservation and refurbishment and in a prominent building being returned to the active use for which it was originally intended.

6.1.5. **Planning Authority Response**

6.1.6. There is no submission from the planning authority.

7.0 **Assessment**

7.1. The appeal's written submission and accompanying visualisations (Appendix E), documentation available in connection with the application submissions and, the assessments of the planning officer and conservation officer have been closely examined. Substantive refurbishments and renovations to the existing house at No 2 South Circular Road authorised by way of the prior grant of permission, P. A. Reg. Ref. 2006/19.

- 7.2. The proposed bedroom extension and associated external private amenity space over the ground floor at No 54 Heytesbury Street omitted under condition No 2 of the decision to grant Permission are subject of the appeal. In effect, though not explicitly stated in the submission made on behalf of the applicant, the appeal is solely for the deletion of the condition providing for the exclusion of these two elements from the grant of permission.
- 7.3. Having reviewed the documentation available in connection with the prior application and the conditions attached to the grant of permission, those available in connection with the current application and the conditions attached to the decision to grant permission it has concluded that the proposed development works and the proposed change of use, other than the elements subject to omission under Condition No 2 attached to the planning authority decision are acceptable. As the decision of the planning authority to accept the development proposal with the exception the omissions required under Condition No 2 is supported it is considered reasonable that the appeal be determined in accordance with the provisions of Section 139 of the Planning and Development Act 2000-2019 and de novo consideration, that is as the application had been lodged with the Board in the first instance is unwarranted.
- 7.4. The conservation gain entailed in providing for previously permitted external extension for the bathrooms, which have zinc roof cladding, whereby in opting external extension undesirable interventions to historic fabric and planform internally required to facilitate modern bathrooms are avoided is appreciated. However, it is not accepted that such an argument carries forward into justifying a bedroom extension at first floor level, along with the external private amenity space above the ground floor of No 54. Heytestbury Street.
- 7.5. As is noted in the appeal, the space occupied by the single storey structure at No 54 Heytesbury Street is recorded as unoccupied space serving as a rear service yard within the curtilage of and ancillary to No 55 Heytesbury Street, (the protected structure) with the existing single storey garage structure being a later addition. This structure retains subordination to the existing house and does not fill in the distinct open gap between it and the separate terrace of houses extending northwards on the west side of Heytesbury Street. Notwithstanding the contentions to the contrary, supported by the visualisations included with the appeal, this

relationship would be seriously eroded by the proposed infill at first floor level and the extension and amenity space.

- 7.6. The current proposal both as indicated in the original and in the further submissions is incompatible in form, scale, finishes with the established character of the streetscape. These impacts are clearly demonstrated in the visualisations provided with the appeal and this confirms that the position arrived at by the planning authority in its assessment and reasoning for its decision to refuse permission should be supported and upheld. The reductions and setbacks are marginally ameliorative of the impact relative to the original proposal but do not overcome the adverse impact.
- 7.7. While the case made in the appeal as the enhancement of the residential amenity potential and viability of the building as a place of residence, by way of the incorporation of the proposed first floor amenity space is reasonable, it is not accepted as justification for its acceptance. It is considered reasonable, contrary to the assertion in the appeal, for residential development within the central and inner-city areas to be reliant on public parks and amenity areas in substitution for private amenity space serving individual dwelling units. In this regard the location is in close a short walking distance of to a range of passive outdoor recreational amenities at, for example, St Patrick's Park, St. Stephen's Green, Iveagh Gardens and the Grand Canal.
- 7.8. There is no objection to the proposed change of use and to the combination of in commercial and residential use especially given the background and history for the buildings and current planning context.
- 7.9. **Environmental Impact Assessment – Screening.**
- 7.9.1. 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.
- 7.10. **Appropriate Assessment.**
- 7.10.1. 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 has been concluded that the appeal can be determined in accordance with the provisions of section 139 and, that the omissions required under condition no 2 (a) and (b) attached to the planning authority decision are warranted. It is therefore recommended that the planning authority be directed to attach the condition. Draft reasons and consideration and conditions are set out overleaf.

9.0 Decision:

Attach Condition No 2.

10.0 Reasons and Considerations

The proposed insertion of the zinc clad first floor extension over the single storey structure and private amenity space at No 54 Heytesbury Street, abutting No 55 Heytesbury Street, a protected structure within an area subject to the zoning objective Z2 (residential conservation areas) according to the Dublin City Development Plan, 2016-2022, would, by reason of the infill at first floor level and, by reason of the form, mass and design and selection of materials and finishes would be visually conspicuous, obtrusive and incompatible with and, adversely affect the integrity and character and setting of existing buildings included on the record of protected structures and the established historic architectural character of the streetscape along Heytesbury Street within the residential conservation area. The proposed development first floor extension and private amenity space would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector.
17th February, 2020.