



An  
Bord  
Pleanála

## Inspector's Report ABP-306101-19

<b>Development</b>	a) Single storey flat roof extension to rear of protected structure, b) associated internal modifications & site works.
<b>Location</b>	2 Knapton Terrace, Knapton Road, Dún Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0514
<b>Applicant(s)</b>	Conor & Kirsty Glenfield
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Brendan & Lucinda O'Sullivan
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> March, 2020
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in an established residential area within the outer suburb of Monkstown, approximately 800m southwest of Dún Laoghaire Harbour, and forms part of a pair of terraces of four units each known as Knapton Terrace which fronts onto the eastern side of Knapton Road. The immediate site surrounds retain an attractive quality and are of notable interest from a built heritage perspective with the each of the individual dwellings within Knapton Terrace having been listed as a protected structure.
- 1.2. The site itself has a stated site area of 0.0517 hectares and comprises a mid-terrace, two-bay, two-storey over raised basement, dwelling house in the Victorian Italianate style with rendered facades, bay windows and decorative window and door surrounds. It includes front and rear garden areas with a mews lane (Knapton Lane) to the rear of the property.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following:
  - a) The construction of a contemporarily designed, single-storey, flat roofed extension (floor area: 27m<sup>2</sup>) to the rear of the existing dwelling house (a protected structure) to accommodate the provision of a new kitchen / living / dining area.
  - b) The reconfiguration of the internal layout etc. of the raised basement level of the existing dwelling house (including the removal of walls and the relocation (for reuse elsewhere) of an original fireplace).
  - c) Associated site works, including revisions to the existing rear yard / garden area.
- 2.2. In addition to the foregoing, it is proposed to amalgamate Bedroom No. 3 with the master bedroom on the second floor of the existing dwelling in order to provide a new wardrobe area and an ensuite bathroom.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 11<sup>th</sup> November, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 6 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the property to be occupied as a single dwelling unit and prohibits its subdivision into 2 No. or more separate habitable units.

Condition No. 3 – Requires the following:

- a) The salvaging of the cast-iron fireplace in the existing basement living room for reuse elsewhere in the protected structure.
- b) The submission of revised plans omitting the bathroom proposed at second floor level to the front of the dwelling.
- c) Clarifies that the grant of permission does not approve any replacement or retrofit of existing single-pane timber sash windows. Furthermore, no works are to be undertaken to any of the windows on the front façade or to the first and second floor windows within the rear elevation of the dwelling.
- d) All repair works to be carried out in accordance with best conservation practice and the '*Architectural Heritage Protection, Guidelines for Planning Authorities*'.
- e) All works to be carried out under the supervision of an appropriately qualified Conservation Architect with specialist conservation expertise.

Condition No. 4 – Refers to the surface water drainage arrangements.

Condition No. 5 – Requires all necessary measures to be put in place so as to avoid conflicts between the proposed construction activities and pedestrian movements on Knapton Lane.

Condition No. 6 - Requires the applicant to prevent any mud, dirt, debris or building material from being carried onto or placed on the public road or adjoining property as a result of the site construction works and to repair any damage to the public road arising from the carrying out of those works.

### **3.2. Planning Authority Reports**

#### **3.2.1. *Planning Reports:***

An initial report states that the overall principle of the proposed development is acceptable and that it will not detract from the residential amenity of adjacent properties. However, it is further stated that additional information is required in relation to the potential impact of the works on the fabric of the protected structure.

Following consideration of the applicant's response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

#### **3.2.2. *Other Technical Reports:***

*Conservation Division:* An initial report identified deficiencies in the information provided with the application, with particular reference to the Conservation Report, and referenced the need for the submission of a complete architectural inventory identifying all remaining original features within those rooms / spaces where works are proposed and how they would be impacted by the development. It was also stated that details should be submitted as regards the insertion of services (i.e. soil pipes etc.) for the proposed second floor bathroom. Furthermore, with regard to the rationale to fit 'slimlite' or similar type glazing to the existing timber sash windows in order to comply with the Building Regulations and to increase the thermal performance of the windows, it was noted that Part L and the EU (Energy Performance of Buildings) Regulations do not apply to works to an existing building which is a protected structure and, therefore, a complete 'window-by-window' survey should be submitted in order to ascertain if the existing sash windows retain any

original or early glass. The report thus concludes by recommending that further information be sought with respect to the foregoing items.

Following the receipt of a response to a request for additional information, a further report was prepared which stated that whilst the architectural inventory provided was acceptable, the works proposed to facilitate the new second floor bathroom were too invasive and had the potential to cause damage to original interior features such as floor finishes, skirtings and plasterwork. It was also noted that the applicant had clarified that no upgrading works were to be carried out to any of the existing windows (other than the ground floor windows to the rear of the property which are to be replaced / upgraded in order to accommodate the new extension). Accordingly, it was recommended that permission could be granted, subject to conditions.

*Drainage Planning, Municipal Services Dept.:* No objection, subject to conditions.

*Transportation Planning:* No objection, subject to conditions.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

3.4.1. A single submission was received from the appellants and the principle grounds of objection contained therein can be summarised as follows:

- The proposed extension will project beyond the rear building line of the terrace and will set an undesirable precedent for similar development.
- The height of the extension is excessive and gives rise to concerns as regards the overshadowing and security of neighbouring property.
- Insufficient details have been provided of the external finishes proposed.
- Concerns as regards the visual impact of the proposed construction.
- The potential impact of the works on the structural integrity of neighbouring property, including the boundary wall.
- Inadequate details of the surface water drainage arrangements.
- The proposal may necessitate a new boundary wall or the underpinning of the existing construction (which forms part of the protected structure).

- No consent has been provided for, or any agreement reached, as regards any works to the shared boundary wall.

## 4.0 Planning History

### 4.1. *On Site:*

PA Ref. No. D01B/0665 / ABP Ref. No. PL06D.127906. Was refused on appeal on 26<sup>th</sup> July, 2002 refusing Lyndon and Nuala McCann permission for the construction of a new single storey dining room extension at garden level to rear, new bedroom/study extension above existing three-storey return to rear and internal alterations to facilitate the works at 2 Knapton Terrace (a protected structure).

- The proposed upper floor extension to the rear return would significantly alter the symmetrical elevation shared with the adjoining terraced property and would be visually incongruous and would, therefore, be detrimental to the architectural character of Knapton Terrace, a terrace of Protected Structures. The proposed development would, therefore, materially affect a Protected Structure, would seriously injure the visual amenity and character of the area and be contrary to the proper planning and development of the area.
- Having regard to the provisions of Article 14 of the Local Government (Planning and Development) Regulations, 1999 and the status of the structure, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the architectural integrity of the structure would be protected as far as is practicable. The proposed development would, therefore, be contrary to the provisions of the Development Plan in respect of listed buildings (now known as protected structures).

PA Ref. No. D16A/0059. Application by Kirsty & Conor Burns for permission to carry out works to the rear garden: the existing rear wall with pedestrian gate to be removed and replaced with a new rubble wall with vehicular and pedestrian gates; an area of gravel hard standing and access path to be laid in the rear garden; a shed to be relocated to facilitate the above works and a tree to be removed from the garden. This application was withdrawn.

PA Ref. No. D16A/0193. Was granted on 9<sup>th</sup> June, 2016 permitting Kirsty and Conor Burns permission to carry out works to the rear garden: The existing rear wall with pedestrian gate to be removed and replaced with a new rubble wall with vehicular gates; an area of gravel hard standing and access path to be laid in the rear garden; a shed to be relocated to facilitate the above works and a tree to be removed from the garden.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The ‘*Architectural Heritage Protection, Guidelines for Planning Authorities, 2011*’ provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

### 5.2. Development Plan

#### 5.2.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

*Land Use Zoning:*

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and-or improve residential amenity*’.

*Other Relevant Sections / Policies:*

*Chapter 6: Built Heritage Strategy:*

*Section 6.1.3: Architectural Heritage:*

*Policy AR1: Record of Protected Structures:*

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical,

archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).

- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

*Policy AR2: Protected Structures Applications and Documentation:*

It is Council policy to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) Planning Regulations and Chapter 6 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, or any variation thereof.

The proposed development site has been designated as a protected structure by reason of its inclusion in the Record of Protected Structures contained in Appendix 4 of the County Development Plan (RPS No. 923).

*Chapter 8: Principles of Development:*

*Section 8.2.3: Residential Development:*

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (i) Extensions to Dwellings:*

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:



- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

Roof alterations / expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable / 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.11: *Archaeological and Architectural Heritage:*

Section 8.2.11.2: *Architectural Heritage – Protected Structures*

### 5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 700m northwest of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 700m northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 800m northwest of the site.

### 5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- While there is no objection in principle to the first party extending their property, it is considered that the subject proposal has failed to address the impact of the works on the structural integrity and stability of the appellants' property, which is a protected structure, and the adjacent boundary wall.
- The scale and form of the proposed extension will have a negative impact on the setting and character of the existing dwelling and the appellants' adjacent property, both of which have been designated as protected structures.

- The decision of the Planning Authority has failed to adequately consider the impact on the setting of the protected structure on site and the terrace as a whole, the original construction of which remains remarkably intact due to the lack of any infilling of the spaces between the rear returns.
- Although some of the rear returns within Knapton Terrace have been altered and extended, there has been no infilling of the space between them which serves to maintain the rhythm of the terrace and its homogenous and consistent appearance.
- The proposed extension will be positioned awkwardly when viewed from within the rear garden areas of both the application site and the appellants' property. It will physically and visually overlap with the return to the rear of the existing dwelling house on site and will also impinge on views towards the rear of No. 1 Knapton Terrace due to the angled nature of the return and the shared boundary.
- The positioning of the proposed extension alongside the site boundary gives rise to genuine concerns as regards the security of the appellants' property.
- The proposed development will physically impinge on the appellants' property without their consent.
- The nature, design and extent of the proposed extension fails to adequately consider the architectural value of Knapton Terrace as a whole or its impact on the appellants' property and, therefore, is contrary to Section 8.2.11.2 of the County Development Plan.
- Although an earlier development proposal on site was refused permission under ABP Ref. No. PL06D.127906, the appellants' did not object to that application as the ground floor extension then proposed was set back from the rear elevation of the existing returns thereby respecting the pattern and rhythm of the terrace. It is also notable that the decision to refuse permission for that application referred to the symmetrical elevation shared with the adjoining terraced properties that will be broken by the subject proposal. By failing to maintain the existing return in its entirety, the proposed development will have a negative impact on the architectural heritage and integrity of the protected structure.

- In addition to infilling the space alongside the rear return, the design of the proposed extension is such that it will impinge on views of the returns to the rear of both the application site and the adjacent property at No. 1 Knapton Terrace thereby detracting from the setting and character of these protected structures.
- Given the extent and proximity of the excavation and building works proposed, there are concerns as regards the potential for adverse impacts on the structural integrity of the appellants' property.
- The proposed change in ground levels has not been detailed in the public notices and was not noted by the Planning Authority. These works will undermine the structural stability of the shared boundary wall and will also alter the relationship of the protected structure with its garden area.
- In the event of a grant of permission, a condition should be attached requiring the completion of a structural survey of the boundary wall and the appellants' property prior to the commencement of construction.
- The proposal will significantly reduce the value of the appellants' property due to the impact of the proposed extension and its proximity to their rear return and the boundary wall.
- The proposed extension amounts to an overdevelopment of the site that would alter the symmetrical elevation shared with the adjoining terraced properties. It would be visually incongruous and detrimental to the architectural character of this terrace of protected structures.

## 6.2. Applicant Response

- The proposed extension will be subordinate to the existing dwelling house and will not have an overbearing impact on any protected structure.
- The use of a sedum green roof will ensure that the proposed extension is not visually obtrusive and that it successfully assimilates with the garden area to the rear of Knapton Terrace.
- Due to the limited scale and height of the proposed extension, in addition to the length of the rear garden areas and the presence of intervening features

such as the rear boundary wall and mature trees, the new construction will not be readily visible from Knapton Lane.

- The subject proposal is not comparable to the development refused permission under PA Ref. No. D01B/0665 / ABP Ref. No. PL06D.127906 as it is much less significant in terms of scale and massing and will not have a negative impact on the rear elevation of Knapton Terrace.
- The proposed development accords with the provisions of the County Development Plan, including Section 8.2.11.2(i) which refers to the extension of protected structures. The design of the proposed extension has been informed by the highest standard of building advice and conservation expertise. It is of an appropriate scale that will complement the existing structure and will be positioned to the rear of the property.
- There are multiple planning precedents in the surrounding area for comparable works to protected structures.
- The Conservation Report provided with the application indicates that the proposed works will have a low conservation impact.
- The extension will not pose any risk of overlooking or overbearing impacts on adjacent property due to its subordinate design and single storey construction.
- If the subject property were not a protected structure, the proposed extension would constitute exempted development by reference to the Planning and Development Regulations, 2001, as amended.
- In reference to the assertion that the appellants' view towards Knapton Terrace from the rear of their property will be obscured in part by the proposed development, it should be noted that any such view is not protected and that there is no significant view of the terrace from within that property where the boundary wall dips beneath the steps present in the garden leading to the upper ground floor level. While the dropping down of the boundary wall along the terrace is a significant part of its character, the proposed extension will not give rise to any negative impact as it will not project more than 8.5m from the rear of the main house and no more than 2.7m beyond the rear return.

- The existing boundary hedging between Nos. 1 & 2 Knapton Terrace obstructs views towards both the application site and the wider terrace from within the appellants' property.
- Due to the stepping down of the garden to the lower ground level, the proposed development will not be obtrusive and will not obstruct any view from within the appellants' property.
- The presence of an original conservatory to the rear of one of the protected structures within Knapton Terrace serves to reiterate that there is no symmetry to the rear elevations of the existing housing whilst the stepped nature of the boundary walls has already been affected by previous developments to the rear of the terrace.
- With respect to the appellants' concerns as regards the potential impact of the proposal on the structural integrity of their property and the boundary wall, it is considered that a condition could be attached to any grant of permission requiring the submission of a structural survey of the boundary wall whilst also ensuring that the development is carried out without risk to adjacent properties.
- The proposed extension will not impinge on the boundary wall and all works will be carried out to the highest possible standard by contractors with experience in dealing with historic buildings and under the supervision of a professional with specialised conservation expertise. These measures will ensure that no damage to adjacent properties occurs.
- Contrary to the grounds of appeal, the proposed development will serve to increase property values in the area by setting a precedent for small-scale extensions.
- The proposed works will improve the level of residential amenity afforded to occupants of the existing dwelling house while remaining sensitive to the character of the protected structure and the wider terrace.
- The Board is requested to assess the application as lodged and to omit Condition No. 3(b) as imposed by the Planning Authority on the basis that the bathroom and wardrobe proposed on the upper floor level will improve the

residential amenity of the existing dwelling house, will not detract from the character of the protected structure, and will not result in the loss or damage of any original features. The proposed revisions are necessary to facilitate modern living and current policy guidance allows for the modernisation of protected structures in order to ensure the longevity of such buildings and that they remain in active use.

- In accordance with the requirements of the Development Plan and the *'Architectural Heritage Protection, Guidelines for Planning Authorities'*, the proposed development will not negatively impact on the character or setting of the protected structure. Its original features will not be damaged during the course of the works and any affected features will be retained for reuse elsewhere in the property.
- The partition walls of Bedroom No. 3 (which are to be removed in order to accommodate the new upper level bathroom etc.) are not original to the dwelling house (as evidenced by the absence of any original coving, the presence of a wall vent, and the nature of the stud construction). Therefore, the provision of the new bathroom and wardrobe in this area will not negatively impact on the character of the dwelling as any original features and fixtures have already been altered as a result of the subdivision of the original master bedroom to accommodate a further bedroom.
- In response to the request for further information, it was confirmed that the soil pipe required to facilitate the proposed bathroom would not run down the front façade of the protected structure and thus would not pose any threat to the character of the building.

### 6.3. Planning Authority Response

- States that the planning report addresses in full all of the issues raised and justifies the decision to grant permission.

### 6.4. Observations

None.



## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout / impact on built heritage considerations
- Appropriate assessment

These are assessed as follows:

### 7.2. Overall Design and Layout / Impact on Built Heritage Considerations:

- 7.2.1. The proposed development primarily entails the construction of a single storey extension to the rear of the existing dwelling house with an associated reconfiguration of the internal layout of the raised basement floor level in order to provide for an extended kitchen / living / dining area to the rear of the property, the relocation of the bathroom and utility areas, and the replacement of the existing kitchen area to front of the dwelling with a new living space. These works will necessitate the removal of almost the entirety of the northern and eastern walls of the rear return at basement level in addition to the internal partition walls presently defining the existing bathroom and utility areas. It is also proposed to block up an original sliding sash window opening within the rear elevation of the main dwelling and to insert a new doorway through this wall between the proposed kitchen and utility areas. Further less intrusive works will include the erection of new partition walls to provide for an extended living space in place of the original kitchen area, the definition of the new bathroom and utility areas within the former living room, and the enclosure / separation of the hallway from the new combined kitchen / living / dining area.
- 7.2.2. The extension itself will be of a contemporary single-storey design clearly discernible from the original construction and will not only infill the space between the rear return and that of the adjacent property at No. 1 Knapton Terrace, but will also extend beyond the rear return and alongside the northern site boundary for a distance of

2.7m. It will utilise a flat 'sedum' green roof construction with expansive glazing onto the rear garden area and rooflights providing for lighting of the new internal space.

- 7.2.3. From a review of the Conservation Report & Design Assessment provided with the initial application, and the updated documentation and accompanying photographic inventory submitted in response to the request for further information issued by the Planning Authority, and having conducted a site inspection, it would appear that much of the original basement level accommodation and features have been extensively altered over the years with modern interventions including a recently refurbished kitchen layout, replacement wainscoting, dado rails and skirting boards, replacement doors and architrave details, and new timber / tiled floors. Whilst the original layout of the principle rooms remains apparent, the internal layout of the rear return would seem to have been previously altered and its openings replaced with the existing cast-iron windows being of later origin. The only remaining period features of note include the original stairs with presses underneath (which will not be altered as part of the proposed development), a possibly original cast-iron fireplace / surround within the existing living room (to be removed for unspecified reuse elsewhere in the building), and the existing sliding sash window opening serving the living room (although this has been modified with no sash box and is proposed for removal as part of the works).
- 7.2.4. In its analysis of the impact of the proposed basement level works on the existing building, the Conservation Report & Design Assessment (as updated) has determined that the revisions to the existing entrance porch, kitchen and hall areas, such as the insertion of reversible stud partitions and the alteration of non-original details, will have a low impact on the conservation and built heritage value of the protected structure. However, it has been accepted that the subdivision of the existing living room to provide for a new bathroom and a utility area (with the associated removal of the existing fireplace) as well as the removal of much of the exterior walls of the living room and the rear return will impact more considerably on the character of the structure. In this respect, it has been acknowledged that the conservation impact of these works is likely to be of 'medium' significance with the rationale for same deriving from a desire to provide for a larger combined kitchen / dining / living area more suited to modern needs that will overlook the rear garden

area and the siting of living space alongside the external walls of the property by providing for an internally positioned bathroom and utility area.

- 7.2.5. Having considered the available information, given the general absence of original features within the existing basement level, in addition to the evidence of previous alterations to the building fabric and more modern interventions, in my opinion, the limited scale and extent of the works involved in the proposed reconfiguration of this floor level will not unacceptably detract from the prevailing character or built heritage interest of the protected structure. The works themselves are reversible in part (such as the insertion of new partitions) and will not result in the loss of any notable internal features whilst the existing layout of the principal rooms within the main residence will remain clearly discernible. Whilst I would acknowledge that no details have been provided of the relocation of any services such as plumbing and electrical wiring as part of the proposed development, it would appear that the basement level of the existing dwelling has previously been altered / refurbished on a number of occasions (e.g. the alteration of the rear return and the installation of a new kitchen, wainscoting, fixes, and flooring etc.) and thus the rerouting of services is unlikely to impact on any original features of note.
- 7.2.6. With regard to the actual extension, at the outset, I am satisfied that the overall design, scale and height of this new construction is acceptable and will not be detrimental to the character of the protected structure. In support of the foregoing, it should be noted that the extension will be located to the rear of the property and will not be visible from the public road. Furthermore, whilst the new extension will infill that space between the rear returns of Nos. 1 & 2 Knapton Terrace, this will be limited to basement level only and will be largely screened by the raised garden area and other intervening features such as the site boundary walls. Accordingly, this aspect of the development will not result in any significant disruption of the symmetry or wider appreciation of the rear elevation of Knapton Terrace as a whole. Whilst I would concede that the construction of the extension will involve the loss of part of the original building fabric through the removal of some external walls, I note that the Conservation Division of the Local Authority did not raise any concerns in this regard, and I am inclined to concur with the assessment that the proposed development will not adversely impact on the overall character and wider setting of both the subject property and neighbouring protected structures.

- 7.2.7. A further aspect of the proposed development requiring consideration is the proposal to amalgamate Bedroom No. 3 with the master bedroom on the upper floor of the existing dwelling in order to provide a new wardrobe area and an ensuite bathroom. In this respect, I would have concerns at the outset that the public notices make no reference to any such works and thus fail to accord with the requirements of the Planning and Development Regulations, 2001, as amended. In my opinion, the reference to '*internal modifications & site works*' which are stated to be '*associated*' with the construction of the '*single storey flat roof extension*' to the rear of the property cannot reasonably be held to include for works which are physically unconnected to the new construction. The provision of the proposed bathroom and wardrobe area (in addition to the associated installation of new plumbing and electrical services, and any need for a new extract through the roof of the property) is unrelated to the development as described in the public notices. Accordingly, I would recommend to the Board that this aspect of the works should be omitted from any grant of permission given that the public notices are deficient with respect to same.
- 7.2.8. In the event that the Board is prepared to consider the alterations proposed to the upper floor of the protected structure (and I would suggest that revised public notices should be sought in such a scenario), I would draw attention to the concerns raised by the Conservation Division of the Local Authority which concluded that the works proposed to facilitate the new bathroom were too invasive and had the potential to cause damage to original interior features such as floor finishes, skirtings and plasterwork. In the absence of clear details as regards the servicing of the new bathroom, and in light of the somewhat conflicting information provided by the applicant as regards the routing of services, I am not satisfied that said works would not detract from items of built heritage interest which contribute to the character of the protected structure.
- 7.2.9. By way of further comment, I would advise the Board that the applicant's response to the request for additional information issued by the Planning Authority has served to clarify that only the basement level windows to the rear of the property will be replaced as part of the proposed development with all the remaining sash windows to remain unaltered. Given that this submission conflicts with the contents of the initial Conservation Report provided with the application, I would recommend the inclusion of a condition in any decision to grant permission in order to clarify matters.

7.2.10. In reference to the appellants' concerns that the proposed development would physically impinge on their property and that the construction works could potentially undermine the structural integrity of same, from a review of the submitted drawings, it would appear that the proposed extension will be structurally independent of the adjacent building. In my opinion, the construction detail as submitted would appear to be reasonable and whilst the appellants have indicated that they have not consented to any works which could affect the fabric of their property, I am satisfied that any alleged damage to, or interference with, the appellants' property attributable to the proposed development is essentially a civil matter for resolution between the parties concerned. Moreover, I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and thus any grant of permission for the subject proposal would not in itself confer any right over private property.

### **7.3. Appropriate Assessment:**

7.3.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below:

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the nature, form, scale and design of the

proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be detrimental to the character or setting of any protected structure, and would, therefore, 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, as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of October, 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 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 amended as follows:
  - a) The bathroom and wardrobe area at second floor level shall be omitted.
  - b) Details shall be provided for the reuse of the cast-iron fireplace salvaged from the existing living room at basement level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

3. For the avoidance of doubt, this grant of permission shall not be construed as approving the replacement of, or the carrying out of any other works to, the existing timber sash windows to the front facade or at first and second floor levels to the rear elevation of the existing dwelling.

**Reason:** In the interests of clarity and the protection of architectural heritage.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension 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 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.

6.

- a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and 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 re-instatement.
- c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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Robert Speer  
Planning Inspector

13<sup>th</sup> March, 2020