



An
Bord
Pleanála

Inspector's Report

ABP-306763-20

Development	PROTECTED STRUCTURE: Demolition of single-storey return to the rear of the house and construction of single-storey and part-two-storey extension to the rear
Location	70, Brighton Road, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3959/19
Applicants	Jude Curtis & Alan Reilly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal
Appellants	Jude Curtis & Alan Reilly
Observer	Philip O'Reilly
Date of Site Inspection	15.05.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located on Brighton Road in Dublin 6, almost immediately south of Rathgar Methodist Church and approx. 390 metres north west of the crossroads in Rathgar village.
- 1.2. The site is occupied by a 1 ½ storey end-of-terrace house (which appears single-storey from the front) with a red brick wall to the roadside boundary and a front garden area. There are two two-storey houses adjacent to the south (Nos. 69 and 68) and a detached two-storey house adjacent to the north (No.71) with the church adjacent to that house. The subject house and houses on the street are externally finished to the front with red brick. There is a pedestrian passage along the side of the house accessing the rear garden which is relatively substantial in area. There is a single storey area to the rear of the house which it is proposed to demolish. This is currently used as storage etc. rather than being used as a habitable part of the house.
- 1.3. The site has a stated area of 0.0721 hectares.

2.0 Proposed Development

- 2.1. The application is for permission to:
 - Demolish the single storey return to the rear,
 - Construct a single and part two-storey extension to the rear,
 - Alter the existing house including removal of non-original bathroom and kitchen and creation of an opening between living and dining room,
 - New rear rooflight, general repair work and internal modelling and landscaping.
- 2.2. The existing house has a stated floor area of 184.5sqm with a maximum indicated height of 8.2 metres. The floor area to be demolished is stated as 40.6sqm. It is proposed to increase the overall floor area of the house to 232.7sqm.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by an 'Architectural Heritage Impact Assessment & Photographic Survey' and a 'Report on Drainage Scheme to Service Proposed Works'.

2.4. Additional detail in relation to the protected structure was submitted as further information.

3.0 Planning Authority Decision

3.1. Decision

The planning application was refused for one reason as follows.

1. The scale, design and layout of the proposed replacement extension would result in an unacceptable loss of original historic fabric and features, while seriously injuring the architectural character and historic floor plan of this Protected Structure. The proposed works therefore do not relate sensitively to the architectural detail and character of the original structure and would contravene Policy CHC2 and Section 11.1.5.3 of the Dublin City Development Plan 2016-2022 and Section 6.8.2 of the Architectural Heritage Protection Guidelines 2011. This is contrary to the proper planning and sustainable development of the area and in addition, would set an undesirable precedent in this location.

3.2. Planning Authority Reports

- 3.2.1. The Planning Reports dated 31.10.2019 and 06.02.2020 form the basis of the planning authority decision. The report concludes that, overall, the proposed demolition of the rear return is considered to have an unacceptable impact on the historic fabric of the protected structure and the scale, form and design of the proposed replacement extension would have a detrimental impact on the character of the protected structure.

3.2.2. Other Technical Reports

Engineering Dept. – Drainage Division – No objection subject to conditions.

Archaeology, Conservation & Heritage Section – The protected structure status of the property is noted and Policy CHC2 and Section 11.1.5.3 of the Dublin City Development Plan 2016-2022 are referred to. The report notes that, while the rear return is in need of conservation repair, it retains many original features and it would

be preferable from a conservation standpoint to retain, repair and extend the rear return to provide a high quality, contemporary extension. Original rear returns with their end chimneys and original fireplace surrounds are increasingly rare in Dublin. A revised proposal which retains the original fireplace surround and, as far as practically possible, the form and fabric of the return would be supported. The loss of the return would be regrettable from a conservation standpoint. Further information was recommended for an assessment of all remaining historic fabric and justification for its loss or incorporation into a new proposal.

On foot of the further information response the Architectural Conservation Officer considered that previous comments made in relation to the retention and protection of specific features of interest still stand. The report notes that historic fabric and special interest of the interior of a protected structure is not merely limited to the principle decorative rooms of a protected structure but also to the historic floor plan, roof profile, historic chimney breasts and fireplaces within original rear returns. It is considered possible to retain, repair and extend the rear return to provide a high quality, contemporary extension. While the roof form and profile, chimney and primary brickwork are the most significant elements to be protected, other ground level elements e.g. quarry tiles, sash windows, fireplace, could be salvaged and reused in some capacity. A refusal of permission is recommended.

3.3. Prescribed Bodies

Irish Water – No objection in principle.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. None.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. The site is within an area zoned Z2; To protect and/or improve the amenities of residential conservation areas. The house is designated as a protected structure, RPS Ref. No. 979. The site is also located within the buffer zone of a recorded monument (Mon. No. 022-080 (a windmill site)).
- 5.1.2. Chapter 11.1 (Built Heritage) of the Plan is most relevant to this application. The planning authority reason for refusal includes reference to Policy CHC2 and Section 11.1.5.3. Policy CHC2 states it is the policy of the Council to ensure that the special interest of protected structures is protected. Inter alia, it is policy to protect, or where appropriate, restore, form, features and fabric which contribute to the special interest, incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design and detail of the original building, be highly sensitive to the historic fabric and special interest of the interior including its plan form and not cause harm to the curtilage of the structure.
- 5.1.3. Section 11.1.5.3 (Protected Structures – Policy Application) sets out detailed provisions. This section states, inter alia, that interventions to protected structures should be to the minimum necessary and all new work should relate sensitively. Existing detailing, fabric and features should be preserved, repaired or re-instated or revealed where possible. The original plan form of should be protected or reinstated and not compromised by unsympathetic alteration or extension.

5.2. Architectural Heritage Protection Guidelines 2011

- 5.2.1. These guidelines are relevant to the proposed development. In particular, the planning authority reason for refusal refers specifically to Section 6.8.2 (General Types of Development – Extensions). This section states that if planning permission is to be granted for an extension the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC approx. 5km to the east. The closest heritage area is Grand Canal pNHA approx. 1.7km to the north.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main issues raised can be synthesised as follows:

- The objective of the application is to provide additional living accommodation.
- The extension and refurbishment is through careful and sympathetic design of the proposed interventions. The single storey return is in a severe state of disrepair. The overall impact will improve the status and condition of the protected structure and make it more suitable for modern living requirements, taking advantage of the garden and house orientation and ensuring the conservation and maintenance of the house.
- An 'Architectural Heritage Impact Assessment & Photographic Survey' accompanied the application and an additional report was submitted as further information.
- The approach to the main body of the house has been to return it to its former grandeur by removing internal partitioning so the original layout and plan form

is restored. It will enhance the overall spatial arrangement and decorative order of the property.

- The extended areas consolidate the existing building and have minimal impact on neighbouring houses or the main structure. The new work is of contemporary design in line with good conservation practice. The proposal is in line with the policies set out in the Dublin City Development Plan 2016-2022.
- The extended areas have minimal impact on period detail and features of the main house. The replacement of the return is an acceptable modification. The extension takes many design cues from the original return without attempting to mimic it e.g. entered through the same door and it will stand in the same location. The only additions are glazed projections which address the garden and form courtyards. It occupies virtually the same footprint and mass as the original with additional extensions providing a larger internal space. Creation of a new kitchen and bathroom allows the removal of these from the main house. The poorly executed rear dormer will be removed. The development strikes an appropriate balance between the loss of less significant original building fabric and a sensitively designed new rear extension.
- It is not viable to try to save the rear return which has been falling into dereliction over the past fifty years. It has no foundation and it is unclear if underpinning would be successful, it has no floor slab or damp-proofing treatment, walls have suffered significant moisture ingress and are in a very poor state of repair, roof timbers need replacement, a significant number of roof slates would be lost and some original windows are in a very poor state of repair. Repair and refurbishment is impractical and cost prohibitive. The structure is unsafe and needs attention. Restoration is not economically viable and would not provide the accommodation required. This type of rear return lacks any of the architectural detail displayed in the main house proper and bear no relationship with the garden.
- There are a number of precedents in relation to similar types of development including immediately adjacent at No. 69 (P.A. Reg. Ref. 3234/14), No. 68 (P.A. Reg. Ref. 3033/14) and No. 66 (3028/12) as well as No. 24 (P.A. Reg. Ref. 3583/12), all on Brighton Road.

- In relation to Policy CHC2 and Section 11.1.5.3 of the Dublin City Development Plan 2016-2022, works to the main body of the property will protect and restore form, features and fabric which contribute to its special interest. There is nothing particularly significant about the return. The scale and proportions of the extension are almost identical to the original return in terms of height and footprint. The plan form of the return is retained in the extension with some further additions, which is not unusual.
- In relation to Section 6.8.2 of the Architectural Heritage Guidelines 2011, the return is very simple and unadorned. It is very poorly built and is in very poor physical condition. None of the principal elevations of the main body of the protected structure will be adversely affected.
- It is important that some progressive thinking in relation to the remodelling and extension of period houses of this nature is encouraged, so they can adapt to contemporary living and their lifespan is therefore extended and their longevity ensured.
- No submissions were received during the five-week period suggesting there are no issues locally with the proposal.
- It appears that assessment of the application was desk-based as no planning official requested or gained access to the property. By contrast, a Grade 1 Conservation Architect inspected the property and prepared a report for the further information response which found that the loss of some less than significant original building fabric and its replacement with a new extension strikes an appropriate balance.

6.2. Planning Authority Response

None received.

6.3. Observations

One observation was received from Philip O'Reilly, 18 Grosvenor Place, Rathmines. The main issues raised can be synthesised as follows:

- The local authority decision was correct and should be upheld. The proposal would involve the loss of significant and important, original, historic content. Such returns and their associated chimneys are very unique and characteristic features of original Victorian houses and many have been lost in the Dublin 6 area in recent years. A stop must be put to such destructive practices.
- The return is an integral part of the house and is original in every way. It is as important a part of the protected structure as the front wall or part of the house that addresses the road. A protected structure means the whole building is of historic and architectural importance and all original character and features are worthy of preservation, retention and restoration.
- The site is zoned as a residential conservation area. Conservation does not mean demolition, it means retaining, restoring and conserving. There is no justification for the loss by demolition or otherwise of original features or content of the house. To not uphold the local authority decision would set a most undesirable precedent.
- The house is unique being single storey and of specific design in a road where otherwise much taller and larger houses dominate. The design and layout is not common making it all the more imperative that all original features be preserved. It is probably the only example of such a house of this type in Dublin.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Conservation – Demolition of the Rear Return
- Conservation – Internal Works to the Main House
- Conservation – Proposed Extension
- Appropriate Assessment

7.1. Conservation – Demolition of the Rear Return

- 7.1.1. I consider that the principal of demolition of the existing rear return is the primary issue with this planning application.
- 7.1.2. The house on site was constructed c.1860 as a detached villa and was one of the earlier houses constructed on Brighton Road. The original rear return that it is proposed to demolish is variously described in the application as being in a severe state of disrepair, of poor quality, demonstrating considerable decay, has been unoccupied and falling into dereliction for the past 40-50 years and it is unsafe and needs attention. A number of issues have been considered in the decision to demolish the structure e.g. it has no foundations and it is not clear if underpinning would be successful, it has no floor slab or damp-proofing, walls have suffered significant moisture ingress and roof timbers need to be replaced. In addition, the structure is lower than the main house proper, is devoid of any significant original historic architectural fabric and suffers a lack of daylight. It is stated that repairing and refurbishing this return is impractical and would be cost prohibitive. It would also not provide the accommodation required or take advantage of the site/garden. The application considers that a balance has been struck between the loss of some less than significant original building fabric and its replacement with a sensitively designed new rear extension.
- 7.1.3. The application repeatedly states that, while it is an original part of the house, the rear return is a simple and unadorned structure with nothing particularly significant about its architectural design, layout or construction materials compared to the main house and it is poorly built. Notwithstanding, the house is designated as a protected structure, RPS Ref. No. 979, and the rear return forms an integral part of that house as originally constructed. In addition, the form and character of the structure, in particular the prominent chimney, forms part of the character of the overall house. The planning authority's Architectural Conservation Officer report notes that original rear returns with their end chimneys and original fireplace surrounds are increasingly rare in Dublin. Policy CHC2 of the Dublin City Development Plan 2016-2022 seeks to ensure that the special interest of protected structures is protected and that development will conserve and enhance protected structures and their curtilage and will, among other issues, protect or restore form, features and fabric which contribute to the special

interest. Section 11.1.5.3 of the Plan states, inter alia, that, where possible, existing detailing, fabric and features should be preserved and repaired and that original and historic fabric should be retained and protected wherever possible. The demolition of the rear return is not consistent with the aims of either Policy CHC2 or Section 11.1.5.3. I concur with the planning authority's Architectural Conservation Officer report which states that, in relation to Policy CHC2, sensitivity to the historic fabric and special interest of the interior is not merely limited to the principal decorative rooms, as suggested in the planning application and the grounds of appeal, but also to the historic plan form, roof profile, historic chimney breasts and fireplaces within original rear returns.

- 7.1.4. Section 6.8 (Extensions) of the Architectural Heritage Protection Guidelines, 2011, states, inter alia, that if permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed and that the principal elevations of a protected structure, which is not necessarily just the façade, are not adversely affected. While, in the application, the connection point to the main structure will remain the same, an area of significant contribution to the original character of the house will have been demolished. Section 6.8.13 of the Guidelines state that caution should be used when considering proposals to demolish parts of protected structures as these parts may be of importance to the cumulative historic interest of a building. Where partial demolition of a protected structure is proposed, the onus should be on the applicant to make the case that the part of the structure to be demolished, whether or not it is an original part, does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure. In this application I consider that the existing rear return does contribute to the special interest of the whole, by virtue of the fact that it is a significantly sized original part of the overall house with architectural features, in particular the rear chimney, which contribute substantially to the special interest of the protected structure. I do not consider that its demolition is essential to allow for the proper conservation of the whole structure.
- 7.1.5. The grounds of appeal refer to recent precedents in the immediate vicinity of the site. While each application is dealt with on its own merits I note that none of the four

precedents apply to a single storey/storey and a half house and the demolition of an original rear return of the type and size subject of this application.

7.1.6. Our architectural heritage is a unique and irreplaceable resource of cultural significance and it is important that it is conserved. The rear return has been allowed to fall into disrepair. However, I do not consider that this is an overriding consideration to the principal of its demolition. It seems to be possible to retain the rear return and it could be appropriately restored to accommodate additional residential accommodation.

7.1.7. On foot of the foregoing I do not consider that the demolition of the rear return to accommodate a new rear extension is appropriate and I recommend that permission is refused on this basis.

7.2. Conservation – Internal Works to the Main House

7.2.1. The planning application also involves alterations to the existing, occupied, area of the house including the removal of the non-original bathroom and kitchen, creation of a new opening between two rooms and provision of a new rear rooflight.

7.2.2. The bathroom and kitchen are in one of the four main rooms on the ground floor of the main house. It is stated that this room was subdivided in the 1950's when the kitchen, which was located in the return, was moved to its current location. The removal of this internal partitioning will restore the original plan form in the main house and the floor plan indicates the proposed use as a family room. A new opening is proposed between the existing living and dining rooms. The rooms will be interconnected and retain their current use. I consider this to be a relatively limited internal intervention and is not a significant issue. I also consider the additional rooflight to be a relatively limited intervention given there are already four rooflights to the rear.

7.2.3. I consider that the internal works to the main house, and provision of a rooflight, would be acceptable in principle.

7.3. Conservation – Proposed Extension

7.3.1. While I do not consider that the extension is acceptable because it would necessitate the demolition of the existing rear return as set out under Section 7.1, I consider that,

on its own merits, it would be considered an acceptable contemporary addition to the main house.

- 7.3.2. The proposed structure is a very different design type to the existing rear return which is far simpler in design. The proposed roof structure is complex and there is a mix of external finishes to both the walls and roof. The height of the proposed extension is less than that of the main house and I consider that it would be clearly read as a contemporary extension rather than a pastiche extension to the main house.
- 7.3.3. I do not consider that it would have any undue impact on adjacent property as a result of overlooking (the first floor bathroom windows could be conditioned to have opaque glazing) or shadowing impact given the relatively limited height of the proposed structure. A separation distance of approx. 1.2 metres would be provided to the northern boundary and there are ground floor extensions to the rear of both adjacent houses. No overbearing impact would result. The proposed footprint would have negligible impact on the extent of the rear garden area to be retained.
- 7.3.4. While the proposed extension, on its own merits, would be acceptable I consider that, as set out under Section 7.1, the demolition of the rear return in order to accommodate it would not be acceptable or appropriate.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway to any 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.

8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development would involve the demolition of the original rear return of a house included as RPS Ref. No. 979 in the Dublin City Development Plan 2016-2022. It is considered that to demolish this part of the overall structure would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Anthony Kelly

Planning Inspector

03.06.2020