



An
Bord
Pleanála

Inspector's Report

ABP-306817-20

Development	Protected structure : The demolition of the existing single-storey structure, reduce number of apartment from 3 to 2, extension to the side and rear and all associated works.
Location	4 Castlewood Avenue, Rathmines, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4634/19
Applicant(s)	Sawbridge Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sawbridge Ltd
Observer(s)	Philip O'Reilly C&J Dunne
Date of Site Inspection	02/06/2020
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject dwelling is located in the south-Dublin suburb of Rathmines. Castlewood Avenue is approx. 130m from the main street of Rathmines, adjoining the southern side of the Swan Centre shopping Centre.
- 1.1.2. The subject site comprises a two storey over basement end-of terrace dwelling with garden level front and side accesses. The dwelling is currently laid out in three apartments – one on each floor. To the east of the dwelling, along Castlewood Avenue is a terrace of similar dwellings which runs in to Belgrave Square. To the north of the subject site is a terrace of smaller, more dense dwellings on Castlewood Terrace. To the west of the subject site is the access road to Castlewood Terrace and the service entrance to the Swan Centre.

2.0 Proposed Development

- 2.1.1. On the 5th December 2019, planning permission was sought for the demolition of an existing single storey structure to the side of a two-storey over basement Protected Structure, the construction of a part-single, part-two storey extension to the rear, two storey extension to the side and the renovation of the existing dwelling to reduce the number of apartments from three to two. The proposed development will include two car parking spaces and six cycle spaces. Details provided in the application form are as follows:
 - Total site area: 384sq.m.
 - Proposed new build: 90sq.m.
 - Proposed demolition: 37sq.m.
 - Proposed new floor area: 322sq.m.
 - Proposed plot ratio: 0.84, proposed site coverage 37.7%
- 2.1.2. As the proposed development refers to a protected structure, the application was accompanied by a Conservation Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 11th of February 2020, the Planning Authority issued a notification of their intention to refuse permission for the following reasons:

1. It is considered the bulk, volume, massing of the proposed extensions result in an insensitive scheme that does not adequately relate to the proportions and character of this Protected Structure, or surrounding Protected Structures in this Residential Conservation Area. In addition, the proposed internal alterations result in an excessive loss of historic fabric that would seriously injure the legibility and special architectural character of this Protected Structure. The proposal is therefore contrary to the proper planning and sustainable development of the area, contravening Section 11.1.5.3 of the Dublin City Council Development Plan 2016-2022 and the Architectural Heritage Protection Guidelines (2011) and if permitted would set an undesirable precedent in this location.
2. Having regard to the siting and scale of the proposed two storey rear extension and its proximity to the boundary with the rear garden of No. 5 Castlewood Avenue, it is considered that the proposal would be seriously injurious to the amenities of this neighbouring property in terms of loss of daylight and enclosure. 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. **Drainage Division:** No objection subject to standard conditions.

3.2.2. **Conservation Officer:** Notes that the subject property holds a prominent location, being the first house along a terrace of protected structures on Castlewood Avenue. States that minimal information on the condition of the existing dwelling or the extent of proposed works have been provided. Applicant should be required to submit a comprehensive and detailed photographic record, details of conservation repairs and detailed drawings that show structural interventions, service installations and any upgrading works. The removal of the original entrance door would fundamentally and irretrievably alter the original architectural character of the structure. The proposed development would injure the original hierarchy of spaces, historic floor and ceiling plan, resulting in a significant loss of historic fabric. The removal of the rear window opening at upper ground floor cannot be supported. The height bulk and massing of the proposed extension is too overbearing on the legibility of the rear of the protected structure. The proposed removal of the historic side boundary and mature hedge

would significantly alter the architectural character, as the entire front boundary forms part of the formal approach to the main entrance. Recommendation to refuse permission.

- 3.2.3. **Planning Report:** Notes and concurs with the analysis of the Conservation Officer. States that the proposed 4m high, 6.2m long rear extension would unduly impact on the amenities of neighbouring properties. Proposed roof terrace is acceptable. Proposed site coverage and open space provision comply with development plan standards. Principle of an extension may be acceptable, the proposed development is unsympathetic to the protected structure and injurious to neighbouring amenity. Recommendation to refuse permission.

3.3. **Prescribed Bodies**

- 3.3.1. None on file

3.4. **Third Party Observations**

- 3.4.1. Two objections to the proposed development raised the impact of the proposed development on the protected structure status of the dwelling and terrace and the impact on the residential amenity of adjoining properties.

4.0 **Planning History**

- 4.1.1. Planning Authority Reg. Ref. 2091/97: Planning permission granted for demolition of existing two storey structure to side and reduction in apartments from 4 no. to 3 no.

5.0 **Policy Context**

5.1. **Architectural Heritage Protection – Guidelines for Planning Authorities**

- 5.1.1. This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.2. Dublin City Development Plan 2016-2022

5.2.1. The subject site is located in an area zoned Z2 with an objective *'to protect and/or improve the amenities of residential conservation areas'*. The subject dwelling is listed as a Protected Structure (House) in Volume 3 of the plan. RPS ref. no. 1275

5.2.2. Policies of note in the development plan include:

CHC1: It is the Policy of Dublin City Council to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC2: 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 and fittings and materials (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works (f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

5.2.3. Appendix 24 of the development plan refers to Protected Structures and Conservation Areas. In relation to residential parking in the curtilage of protected structures, section 24.4 notes the importance of boundary walls, railings and trees.

5.3. Natural Heritage Designations

5.3.1. The subject site is 3.9km from the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (000210)

5.4. EIA Screening

- 5.4.1. Having regard to nature of the development comprising redevelopment of an existing dwelling and the urban location of the site 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

- 6.1.1. The applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The appeal states that the applicants are the owners of the Swan Shopping Centre, which was recently redeveloped. The appeal states that houses were likely demolished to create Castlewood Terrace and the Swan Centre, that this junction is poor and leaves the gable wall of the subject property exposed and unsightly.
- 6.1.2. The appellant notes that they wish to create a quality entrance to Castlewood Terrace and that they have extensive experience redeveloping Protected Structures.
- 6.1.3. The grounds of the appeal can be summarised as follows:
- The proposed bulk and volume is not unreasonable, given the rear extensions at no. 55 and 56.
 - The subject site can accommodate two dwellings.
 - Parking is provided to the rear, unlike the ugly front garden parking along the road. The existing concrete front garden will be landscaped. This represents an improvement.
 - Due to the splitting of the house into three flats, very little plasterwork remains. What remains is in poor condition. Moulds will be taken and used to create reproductions.
 - The appointment of a Conservation Architect can be conditioned.
 - The proposed development is an improvement to a residential conservation area, compensates for the demolition of houses to create Castlewood Terrace and provides an appropriate 'book-end' to the end of the terrace.

- The loss of light to the neighbouring north-facing property cannot be sustained.
- The proposed development is not commercial. It is part of the Swan Centre improvement scheme.
- The proposed development will enhance an ugly gable.
- The existing doorway will be faithfully reproduced. Any piece that is capable of being reused will be reused. The existing staircase and handrails will be reused.
- The proposed boundary treatment will improve visibility for pedestrians and cars existing Castlewood Terrace.
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

6.2.1. None on file

6.3. **Observations**

6.3.1. **Philip O'Reilly**, 18 Grosvenor Place: The decision of the Planning Authority to refuse permission was the correct decision. Any development at this one of the oldest houses in the area should be sensitive and in proportion to the historic structures.

6.3.2. **Catherine & John Dunne**, 5 Castlewood Avenue: This family home has been extensively and sympathetically renovated. The applicants have not contacted the Observers, indicating a lack of consideration for the neighbours. The applicants commercial developments adjoining the Swan Centre are not relevant. The existing gable is not unsightly, nor does it damage the protected structure. The proposed development is in excess of any development on the Avenue. Car parking can be provided to the rear as the site is the end of terrace. The existing car park at the front could be restored. The rear of Observers house, notwithstanding that it is north-facing receives light all year round. The proposed development will devastate this and the view of Rathmines Town Clock. The applicants suggestion that the proposed development is not commercial is rejected. The Board is requested to refuse permission.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the Observer. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity
- Impact on Built Heritage

7.2. Principle of Development

7.2.1. The proposed re-development of an existing dwelling and the reduction in number of units within from three to two is acceptable in principle, subject to other planning considerations.

7.3. Impact on Built Heritage

7.3.1. The proposed development seeks to change the front façade of the existing dwelling at ground floor level, with the addition of a new window opening in the place of the existing door and the creation of a new entry point within the new extension. In a non-protected structure, such an amendment would ordinarily be acceptable. The subject dwelling however, is a protected structure. One which commands a relatively exposed and prominent position, being at centre of two junctions and being the end of the terrace of protected structures. This prominence is further highlighted by the juxtaposition of the large commercial shopping centre to the west.

7.3.2. I concur with the finding and reasoning of the Conservation Officer that this rearrangement of the front façade of the existing dwelling would fundamentally alter the architectural legibility of both the dwelling and the terrace. As noted by the appellant, the end-of terrace nature of the subject dwelling lends itself to some flexibility in treatment. The proposed design seeks to partially duplicate the existing pattern. This does not create sufficient contrast to allow the new addition to be clearly read as an intervention in the building record.

7.3.3. The Architectural Heritage Guidelines for Planning Authority recognise that “*whether grand or simple, doors and windows are usually the main elements, that on first*

glance establish the character of a structure. Their design, materials and arrangement can tell much of the use, history or status of a building". Section 10.2.2 of the guidelines clearly state that where openings are a conspicuous part of the architectural design and this design would be marred by the proposed alterations, permission should rarely be given. On prominent elevations, section 10.2.2 states that the conversion of window openings to doorways or vice versa should be permitted where it would be detrimental to the overall design of the structure. I am satisfied that the proposed front elevation is not an appropriate response to this end-of-terrace protected structure in a prominent position and one that would fundamentally negatively alter the architectural legibility of the subject dwelling and terrace.

- 7.3.4. I do not accept the appellants argument that the existing gable wall is unsightly or reads as an "amputated arm". Likewise, I do not accept the suggestion that the gable does not deserve to be conserved.
- 7.3.5. I note and concur with the Conservation Officers assessment of the proposed internal works. The plans and specifications do not clearly and comprehensively assess the impact of the proposed development on the historic footprint of the existing house. As noted by the conservation officer, inadequate information on the detail, significance and condition of the protected structure has been submitted with the application. Section 11.1 of the Architectural Heritage Guidelines recognises the importance of the interior of a protected structure to the character and special interest of a building. The hierarchy and the relationship of spaces creates historical interest and where possible should not be altered.
- 7.3.6. It is considered that the proposed development is an inappropriate response that does not respect the architectural character and special interest of the subject dwelling. It is considered that the proposed development is contrary to the principles of the Architectural Heritage Guidelines on the development of Protected Structures and is contrary to policies CHC1 and CHC2 of the development plan.

7.4. Impact on Residential Amenity

7.4.1. The proposed rear extension of the dwelling is two-storey – at basement and entry level. At entry level, the proposed development extends approx. 4m from the rear elevation. As the subject and the adjoining dwelling are north-facing, the proposed two storey extension at an overall height of 7m would affect the evening light to the rear of the Observers property no. 5. As the penetration of direct sunlight to a north facing property is limited, the availability of daylight to the rear elevation is valued. It is considered that the proposed 7m high extension would significantly impact the residential amenity of the small north facing private open space of no. 5 Castlewood Avenue.

8.0 **Appropriate Assessment**

8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that 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

9.0 **Recommendation**

9.1. I recommend permission be REFUSED for the following reasons and considerations:

- 1 Having regard to the policies and objectives of the Architectural Heritage Guidelines for Planning Authorities and to the Dublin City Development Plan 2016-2022, it is considered the proposed development which seeks to alter the front façade would fundamentally alter the architectural legibility and special character of this end of terrace protected structure. In addition, the proposed internal alterations result in an excessive loss of historic fabric that would seriously injure the legibility and special architectural character of this Protected Structure. The proposed development would adversely affect the architectural and cultural significance and overall amenity and setting of the building. The development, due to its scale and form and further internal alteration would constitute overdevelopment of this sensitive site, would be contrary to Policy CHC2 and Section 11.1.5.3 of the Dublin City Development Plan 2016-2022 which seeks to ensure that the special interest of protected structures is protected. The proposed development would, therefore, be contrary

to development plan provisions, to the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October, 2011 and to the proper planning and sustainable development of the area.

- 2 The scale, height and proximity of the proposed two-storey rear extension and its proximity to the boundary of the adjoining dwelling at no. 5 Castlewood Avenue is such, that the proposed development would significantly injury the residential amenity of the private open space of the dwelling. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Planning Inspector

08 June 2020