



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307598-20

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| <b>Development</b>                  | PROTECTED STRUCTURE:<br>Construction of additional bedroom floor level to rear return and opening from second floor level rear bedroom. |
| <b>Location</b>                     | 42 Northumberland Road, Dublin 4.   |
| <b>Planning Authority</b>           | Dublin City Council South   |
| <b>Planning Authority Reg. Ref.</b> | 2428/20   |
| <b>Applicant(s)</b>                 | Joe Brennan and Sheila Galvin   |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Refuse  |
| <b>Type of Appeal</b>               | First Party   |
| <b>Appellant(s)</b>                 | Joe Brennan and Sheila Galvin   |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 19 <sup>th</sup> October 2020   |
| <b>Inspector</b>                    | Irené McCormack   |

## 1.0 Site Location and Description

- 1.1.1. The subject site is located at no. 42 Northumberland Road, Dublin 4. The site forms part of a terrace of six similar houses nos. 34-44 and are all built with paired handed returns. The house dates to circa. 1860 and is a red brick, two storey over basement, Victorian house typical of the area. The house formed part of the suburban development of the Pembroke Estate in the mid nineteenth century.
- 1.2. No. 42 Northumberland Road is a protected structure. The site is currently in use as a residential unit and has a stated area of 293sq.m. The house is set-back from the public footpath and to the rear, with the front of the site in use as a car park associated with the residential unit. The site has been subdivided in the past and the rear accommodates a Mews dwelling.

## 2.0 Proposed Development

- 2.1. The development will consist of an alteration to previously approved permission ref: 2887/19 comprising of an additional bedroom floor level to the permitted modified rear return and new opening from existing second floor level rear bedroom and stair mezzanine.
- 2.2. The planning application was accompanied by a Conservation Statement.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council issued notification to refuse planning permission for the following reason:

1. Having regard to the nature and scale of the proposed development for works to a protected structure and within its curtilage, it is considered that the proposed development would have a serious and negative impact on the special architectural character of the Protected Structure and on the legibility of the historic building form. The impact on the proposal would detract from the architectural and historical character and setting of the protected structure and the wider terrace. The scale of the four-storey extension would seriously injure the architectural character of the

Protected Structure and of adjacent Protected Structures, which would be seriously injurious to the amenity of the wider Z2 area and would set an undesirable precedent along the street. The proposal would therefore contravene Policy CHC2 (a), (b), (c), (d) of the Dublin City Council Development Plan 2016-2022.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Report details the concerns of the Conservation Officer. The report states that the proposed development would result in an additional level to the original return and also a new flat roof profile and as the existing return to the rear of the subject property is handed with the adjoining property at No. 40, this would result in the loss of symmetry between the pair of protected structures and also a loss of historic character and legibility. Noting that the applicant put forward a number of previous examples of vertical extensions to historic returns in support of the proposal, it is set out that many of these developments were permitted under a previous Development Plan and none of the examples submitted would have had such an immediate and significant impact on the character and setting of the adjoining structure as the subject proposal would have. Refusal Recommended.

#### 3.2.2. Other Technical Reports

**Conservation Officer** - In her report dated 11<sup>th</sup> May 2020 the Conservation Officer noting the policy context , site history and design concluded the development should be refused as the development would have a serious and extensive impact on the special architectural character of the Protected Structure and on the legibility of the historic building form. It would include a loss of original fabric. The impact on the rear detracts greatly from the protected structure both in terms of its architectural and historical character and that of the wider terrace. The scale and size of this four-storey extension would seriously injure the architectural character of the Protected Structure and of adjacent Protected Structures and would set an undesirable precedent along the street. The proposal would therefore contravene Policy CHC2 (a), (b), (c), (d) of the Dublin City Council Development Plan 2016-2022.

**Engineering Department – Drainage Division** - No objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One third party observation was received by the Planning Authority. The observation has been noted and is summarised as follows:

- The proposed extension would be taller and wider than the rear façade of the main terrace. This façade would no longer be the return but the dominant elevation. The proposal would be just 3.2m from the shared boundary with No. 44 and would have an overbearing impact on this property and create a sense of enclosure.

## 4.0 Planning History

Site

DCC Reg. Ref. 4887/19 – Permission granted for **Modifications to previously approved extension and alterations under planning ref: 4247/18**. The modifications consist of an enlarged single storey extension to rear of dwelling at basement floor level and alterations to the basement layout including: the relocation of kitchen/dining area to rear of dwelling, modification of the front entrance/store area at this level to create a lobby and WC/bathroom, an amended stairs layout & omission of previously proposed glazed enclosure, provision of pantry. The modifications also include the provision of a fire rated glazed screen under the existing main stairs and alteration of the half-stair flight in ground floor entrance hall.

DCC Reg. Ref. 4247/18 -Planning was granted on 04-Feb-2019 for **the construction of a single-storey extension to the rear of the dwelling at basement level and an extension to the side of rear return over three levels including alterations to internal layout of return at all levels**, the reinstatement of the original roof profile and re-slating of the return roof, modification of window opening to rear return at ground level and re-plastering of rear elevation of house and return. New basement entrance door, replacement sash unit to front basement window, internal alterations at basement level including removal of internal walls, replacement and partial level reduction of solid floors, thermal lining of external walls

(basement level only), new stair flight and enclosure between ground and basement level. Levelling of floor to main reception rooms at ground/entrance level and repair of front entrance door including replacement of glazing to door screen. Provision of en-suite to rear bedroom (located within front bedroom) at first floor level. Ancillary site-works including construction of new boundary wall adjoining 44 Northumberland Road and reduction of levels for new patio area to rear garden area

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.
- 5.1.2. The zoning objective relating to the site is land use zoning objective Z2 “*to protect and/or improve the amenities of residential conservation areas*”. The house in question is a protected structure.

In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

- 5.1.3. Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

- 5.1.4. Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,

17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.

17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,

17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible.

5.1.5. 11.5.5.1 Protected Structures:

CHC2: To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage.

11.1.5.3 Protected Structures – Policy Application In order to protect the city’s Protected Structures, the City Council will manage and control external and internal works that materially affect the character of the structure. Planning permission is required for any works, including some repairs, which would materially affect the character of the structure or its special interest.

Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.

5.1.6. 11.1.5.4 Architectural Conservation Areas and Conservation Areas:

CHC4: To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.2. **National Policy and Guidelines**

Architectural Heritage Protection Guidelines (2004)

- In accordance with Item 6.8.13 of the Architectural Heritage Protection Guidelines, 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. The onus is on the applicant to make a case to the Planning Authority that – whether or not it is original to the structure – 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.

### 5.3. **Natural Heritage Designations**

None

### 5.4. **EIA Screening**

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- It is set out that the proposed alteration is minor in scale and while it is acknowledged that the extension will result in loss of the pitched roof profile to one of the symmetrical pair of conjoined returns, the proposed alteration will not be visible from the site's frontage (or from any public area to the rear). The new roof at the rear will abut the rear wall of the house below the level of the gutter and shall not interfere with the existing roof drainage or gutters.
- It is set out that care has been taken in the design to minimise interventions to the existing dwellings enabling the provision of adequate habitable space to meet the needs of the residents.
- Reference is made to the extant planning permissions on the site.
- It is further stated that the appellants are happy to reconstruct the previously truncated chimney stack should the Board deem this appropriate to preserve architectural character.
- It is set out that the external finishes have been selected to match the brick material agreed by the planning authority at lower levels to create a cohesive appearance and the proposed alterations together with the permitted extension will be of modern design to ensure that it is easily distinguished from the original historic structure in accordance with Section 6.8.3 of the Architectural Heritage Protection Guidelines.

- It is argued that the full extent of the additional, permitted and proposed, will not be visible from the public realm and will be enclosed within the rear curtilage which has already experienced a range of significant interventions.
- It is set out that due to the north easterly aspect of the return, no issues of overshadowing are created and all windows facing no. 44 are obscure glazing and therefore there will be no overlooking.
- Precedent for similar type contemporary rear extension to historic properties are cited. The extension works permitted to Roxford Lodge Hotel, No. 46 Northumberland Road are also cited (ABP PL.20S.120573)

The submission was accompanied by a report from Fergal McGirl Architects setting out the following:

- *Cumulative impacts and Legibility*

It is argued that the development contains elements to offset the cumulative impact on legibility such as the removal of the ensuite to second floor front bedroom permitted under DCC Reg. ref. 2887/19 returning the bedroom to its original plan.

It is further stated the works to the historic fabric are minimal.

- *Impacts of the Proposals*

It is set out that the extension will be finished with a buff brick as an extension/continuation of the permitted extension. It is stated that the buff brick signals the new extension element of the return while harmonising with the retained original sections all of which will be finished in a traditional limestone plaster finish.

- *Scale and height*

It is set out that the scale of the return is subordinate to the main structure

## 6.2. **Planning Authority Response**

None

## 7.0 **Assessment**

### *Introduction*



7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Impact on Architectural Heritage
- Appropriate Assessment

#### 7.1.1. **Principle of Development**

7.2. The proposed development is for the alteration to previously approved permission DCC Reg. Ref: 2887/19 comprising of an additional bedroom floor level to the permitted modified rear return and new opening from existing second floor level rear bedroom and stair mezzanine of no. 42 Northumberland Road, a Protected Structure. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards

#### 7.3. **Design and Impact on Architectural Heritage**

7.3.1. No. 42 Northumberland Road is a protected structure. The Planning Authority's decision to refuse states that the proposed development would have a serious and negative impact on the special architectural character of the Protected Structure and on the legibility of the historic building form and the proposal would detract from the architectural and historical character and setting of the protected structure and the wider terrace, and, would contravene Policy CHC2 (a), (b), (c), (d) of the Dublin City Council Development Plan 2016-2022.

7.3.2. Section 11.1.5.3 *Protected Structures* of the Dublin City Development Plan sets out that interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. The appellant argues that the works proposed are minor in scale and while it is acknowledged that the extension will result in loss of the pitched roof profile to one of the symmetrical pair of conjoined returns, the proposed alteration will not be visible from the site's frontage (or from any public area to the rear), and, the new roof at the rear will abut the rear wall of the

house below the level of the gutter and will not interfere with the existing roof drainage or gutters. Referencing the extant planning permission on the site, it is argued that the development contains elements to offset the cumulative impact on legibility such as the removal of the ensuite to second floor front bedroom permitted under DCC Reg. ref. 2887/19 returning the bedroom to its original plan.

- 7.3.3. Regarding the external works the appellant argues that the extension will be subordinate to the main building and the extension will be finished with a buff brick as an extension/continuation of the permitted extension (DCC Reg. ref. 2887/19). It is stated that the buff brick signals the new extension element of the return while harmonising with the retained original sections all of which will be finished in a traditional limestone plaster finish.
- 7.3.4. A Conservation Statement was submitted with the application and notes that the '*extension will* result in the loss of the pitched roof profile to one of a symmetrical pair of conjoined returns. The existing roof consists of a fibre-cement finish and does not retain original slating which at any rate has been granted permission under previous permissions to be reconstructed'. The report concludes that 'Although the proposed additional floor level does have an impact on the rear elevation and backlands context of the house, the justification for same is outlined above and the works could be considered in the context of the building's restored use as a family home'. The Conservation Officer in her report expressed concerns that by way of its form, scale, height and proportions, the proposed vertical extension over the extant historic rear return would be incongruous and would seriously injure the legibility and special architectural character of this Protected Structure, as well as on the character of the rear return of the immediately adjoining Protected Structure, and would set an undesirable precedent along the terrace.
- 7.3.5. In relation to the proposed design of the extension, I consider the key issue to be the design approach taken. The Architectural Heritage Protection Guidelines and the Development Plan actively promote the extension, restoration and continued use of Protected Structures subject to appropriate design. Section 6.8.3 of the Guidelines which set out that while the architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable, this should not be seen as a licence for unsympathetic or inappropriate work. The visibility or otherwise of the extension from the public road

does not reduce the impact of the works of the character of the protected structure. The design of the extension as presented, in my opinion, does not adhere to best practice conservation principles. The proposed increase in the height and width of the rear return would result in the replacement of the original roof profile with a flat roof, which would be detrimental to the architectural character of the Protected Structure and immediately adjoining Protected Structure No. 40, and the insertion of modern window opening reflects a confused and contradictory design reflecting a mix of 19<sup>th</sup> Century and 20<sup>th</sup> Century pastiche. By contrast the grant of planning permission DCC Reg. ref. 2887/19 provides for a clearly distinguishable modern flat roof extension at basement, ground and first floor only whilst retaining the original rear return roof profile.

- 7.3.6. The proposed design absorbs the original rear return with the exception of a portion rear boundary wall at basement, ground and first floor levels. The proposed works would result in the complete loss of the original rear return in terms of proportion, height and roof profile and symmetry with the conjoined rear retain of No. 40, and would, in my opinion, result in an unacceptable loss of original character and is contrary to Policy CHC2 of the Development Plan, to ensure that the special interest of protected structures is protected. The level of intervention is not justified in a conservation context. In addition, the design presented is top heavy and out of character with the adjoining development and while I accept the principle of contemporary modern extensions have been permitted elsewhere in the city as demonstrated by the applicant, each application must be assessment on its own merits and relative to the individual site context.
- 7.3.7. The applicant argues that the external finishes have been selected to match the brick material agreed by the planning authority at lower levels to create a cohesive appearance and the proposed alterations together with the permitted extension will be of modern design to ensure that it is easily distinguished from the original historic structure in accordance with Section 6.8.3 of the Architectural Heritage Protection Guidelines. I do not agree, and I do not consider the applicant has supplied justification for the proposed extension in accordance with Section 6.8 *General type of Development - Extensions* of the Architectural Heritage Protection Guidelines. Furthermore, section 6.8.13 sets out that caution should be used when considering proposals to demolish parts of protected as these parts may be of importance to the

cumulative historic interest of a building. The Guidelines states that “where partial demolition of a protected structure is proposed, the onus should be on the applicant to make a case that the part – whether or not it is original to the structure – 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”.

- 7.3.8. In the context of the subject site I consider the additional floor level has not satisfactorily justified and the proposed development by reason of inappropriate design would seriously injure the architectural character of this Protected Structure and the legibility of the historic building form. The impact of the proposal would detract from the architectural and historical character and setting of the protected structure and the wider terrace, in particular the immediately adjoining No. 40, and would set an undesirable precedent. The development should be refused for this reason.

#### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the proposed development, extension to an existing property, within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

#### **8.0 Recommendation**

I recommend that planning permission for the proposed development should be refused for the reason and considerations, as set out below.

#### **9.0 Reasons and Considerations**

The proposed development by reason of inappropriate design would seriously injure the architectural character of this Protected Structure and the legibility of the historic building form. The scale of the four-storey extension would detract from the architectural and historical character and setting of the protected structure and the wider terrace nos. 34-44 Northumberland Road, in particular, the immediately adjoining No. 40, and would set an undesirable precedent. The proposal is,

therefore, contrary to Policy Objective CHC2 which seeks to ensure that the special interest of protected structures is protected, and Section 11.1.5.3 of the Dublin City Council Development Plan 2016-2022 and Section 6.8.3 and Section 6.8.13 of the Architectural Heritage Protection Guidelines and, as such the proposal is considered contrary to the proper planning and sustainable development of the area

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Irené McCormack  
Planning Inspector  
19<sup>th</sup> October 2020