



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307812-20

<b>Development</b>	Removal of detached outbuilding and demolition of two-storey extension to the rear and construction of a three-storey extension to the east side.
<b>Location</b>	32 St. John's Road, Sandymount, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2675/20
<b>Applicant(s)</b>	Barbara and Niall Power Smith
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Barbara and Niall Power Smith
<b>Observer(s)</b>	Lorna Kelly on behalf of SAMRA St Johns Wood OMC
<b>Date of Site Inspection</b>	10 <sup>th</sup> of November 2020
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is c. 4km to the south east of Dublin City centre and c.320m west of Strand Road and Dublin Bay at No. 32 St. John's Road, Sandymount, Dublin 4. The sites curtilage includes an existing parochial/church hall style structure with a non-original two storey rear and side extension totalling 121 sq.m house, a prefabricated style 'outbuilding' structure and a shed structure all on a stated site area of 1,682 sq.m. It is noted the application refers to the present or previous use as a dwelling.
- 1.2. The site fronts St Johns Road which wraps around both sides of an island style parcel of land where the Saint John the Evangelist Church of Ireland building is located. This church is identified on Dublin City Council Record of Protected Structures (No. 8726). To the east of the site is a large three storey apartment building known as St Johns Wood and to the west there are four detached two storey houses known collectively as The Vicarage. The rear of the site appears to be private open space associated with No. 64 Park Avenue.
- 1.3. The site is bounded to the public road to the north by a stone wall and locked vehicular entrance. There are a number of large mature trees throughout the site that provide intermittent screening from the public road.
- 1.4. The site can generally be described as run down, underutilised and in neglected condition. There is also evidence of anti-social within the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of
  - Refurbishment of a 'former parish hall structure' last use for residential purposes for use as a single family dwelling.
  - The removal of a detached outbuilding (15 sq.m) and demolition of existing two-storey extension (121 sq.m) to the rear and side
  - a three-storey, 5 bedroom, residential extension of 489 sq.m to the east side and partially forward of the parish hall structure. The three storey element will have a height of 9.9m
  - Elevation changes to include new double doors and lowering of window cills

- A roof level studio with terrace to third storey of extension

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse permission on the 08/07/2020 for the following reasons-

1. The proposed development would result in permanent and significant alterations to the fabric of an existing historic building which contributes to the character and setting of the Z2 area , as such the proposal would have a negative impact on the amenity and architectural quality of the Residential Conservation area and would be in conflict the Z2 objective for the area.
2. The scale, bulk and mass of the proposed new structure on the site is excessive and is an inappropriate and overly-dominant response to the site and the existing Residential Conservation area. It would have an overbearing impact on the original building on the site and would result in a negative visual impact on the wider Residential Conservation area and as such would also impact on the amenity of the wider area. Therefore, the proposal would contravene the Dublin City Development Plan 2016-2022 and the overall objective of the Z2 zoning for the site. The proposal would be seriously injurious to the amenity of properties within the area and, as such would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

### **4.0 Planning Authority Reports**

#### **4.1. Planning Reports**

The report of the Planning Officer (08/07/2020) reflects the decision of the Planning Authority. The following is noted from the report:

- No. 32 St. Johns Road is not a Protected Structure but does have a significant history in relation to the local area. It was constructed as a companion piece and parochial hall to St. Johns Church which is a Protected Structure.

- The contribution of the site to the Residential Conservation Area should not be understated.
- A history of the parochial hall is provided.
- The proposed alterations to all windows on side elevations are extensive and would permanently alter the character of the building.
- The proposed alterations to an historic building are excessive and would have significant and negative impact on the character of the original building.
- Proposed structure is contemporary in design.
- A more appropriate reference point for the proposed building line would be a midway point between the existing structure on site and the neighbouring apartment building.
- The solid to void ratio of the northern and western elevation and the massing of the building is excessive.
- The reference point for the extension height appears to be taken from the apartment development rather than the existing building on site.
- Proposal is disproportionate in scale and unsympathetic to the historic building.
- The proposal does not respond well to the character and setting of the original building.
- The proposal would result in significant and permanent alterations to the original fabric of the historic building which would result in a negative impact on the character and setting of the building and the Z2 area.

#### **4.2. Other Technical Reports**

- Drainage Division- No objection subject to condition

#### **4.3. Prescribed Bodies**

- None

#### 4.4. Third Party Observations

Seven third party submissions were received from the following.

- OCFPM on behalf of a local resident on St Johns Road who wishes to remain anonymous
- The Owner Management Company (OMC) of St John's Woods Apartments.
- John O'Toole
- Helen Roche & Jonathan Sellers
- Lorna Kelly on behalf of Sandymount and Merrion Residents Association (SAMRA)
- Anita & Jarlath Keane
- Elaine Ryan

The main issues can be summarised as follows-

- Some of the submissions expressing support for the proposal while also raising specific residential amenity and design concerns.
- Loss of residential amenity from overlooking (including diagonal views), overshadowing and noise.
- Absence of a topographical survey of the site and adjoining structures. Inaccurate drawings, questions raised over accuracy of levels shown
- Concerns over use of roof terrace
- Proposal is not in keeping with tone and character of the area and would destroy the historical character and fabric.
- A number of trees have been removed
- Window cills should not be lowered as they are an important part of the character of the building.
- The proposed wall to west elevation should be setback to ensure views of the original building are not obscured. Materials should allow views through.

- Location of proposed extension obscures views of the original building and should be set back. Proposed second floor creates a massing effect and should be omitted
- Proposal should not use height of St Johns Wood as a precedent.
- Proposal should be ancillary to the existing building and should not dramatically change views of it.

## 5.0 Planning History

5.1. There does not appear to be any planning history pertaining to the appeal site.

## 6.0 Policy Context

### 6.1. Dublin City Development Plan 2016-2022

6.1.1. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective *'To protect and/or improve the amenities of residential conservation areas.'*

6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

6.1.3. The following sections are of particular relevance:

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

*It is the Policy of Dublin City Council:*

*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. Enhancement opportunities may include:*

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting*
- 2. Re-instatement of missing architectural detail or other important features*
- 3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area*
- 5. The repair and retention of shop- and pub-fronts of architectural interest.*

*It is the Policy of Dublin City Council:*

*Development will not:*

- 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
- 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
- 3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
- 4. Harm the setting of a Conservation Area*
- 5. Constitute a visually obtrusive or dominant form.*

#### Section 16.2.2.3- Alterations and Extensions-

*.... alterations and extensions should:*

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings*
- *Retain a significant proportion of the garden space, yard or other enclosure*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building*
- *Retain characteristic townscape spaces or gaps between buildings*
- *Not involve the infilling, enclosure or harmful alteration of front lightwells.*

*Furthermore, extensions should:*

- *Be confined to the rear in most cases*
- *Be clearly subordinate to the existing building in scale and design*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.*

#### 16.10.17 Retention and Re-Use of Older Buildings of Significance which are not Protected-

*“The re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability.”*

## **6.2. Natural Heritage Designations**

- 6.2.1. The site is located c. 300m west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).
- 6.2.2. The site is located c. 300m west of the South Dublin Bay pNHA.



## 7.0 The Appeal

### 7.1. Grounds of Appeal

One first party appeal has been received. The grounds of appeal can be summarised as follows-

- The appropriateness of the refurbishment of the Church Hall. The proposal consistent with the Z2 zoning objective. The proposal will bring the building back to its original volume and the removal of extensions to rear is clearly a positive planning gain.
- The lowering of sills can be omitted by condition, however proposed doors are needed for the building to be used as a family home. The side wall to the west can be setback so the front elevation can stand proud of the side structures.
- The proposed extension to the side needs to move forward to create a suitable south facing garden and so not to block westerly evening sun from balconies of adjoining apartments.
- There context for the proposed building line is set including screening the side gable of the apartment block. The applicants do not agree with the Planning Officer that the building line should be setback halfway between the front building line of the existing church and adjoining apartment block and at very least should be setback marginally to line up with apartment block.
- In relation to architectural expression of the modern extension the proposed extension retains a high solid to void ratio to match the period building.
- The applicant addressed concerns over the third floor and objections to same. The proposal is considerably setback and not easily viewable from the street. The top floor matches the height of the apartment building. The outdoor terrace element can be reduced in size by condition or the screen increased to match that to the east.
- The applicants have engaged the services of one of the most eminent architects and conservation architects in Dublin- Mr. Pdraig Murray Conservation Architect Grade 1. A report has been submitted and these comments can be summarised as follows-

- The proposal will restore the original volume of the church hall and that alone deserves support. The inappropriate extension to the south will be removed and new windows will be introduced.
- The new building is simple well designed, essentially two storey structure. It will screen the 19<sup>th</sup> Century structure from the high gable of the apartment block. It is designed to echo the solid void patten of the past while expressing the aesthetic of today.
- Consideration should be given to relocating the front of the extension in line with the apartment block or no more than 1m behind to acknowledge the curve of St Johns Road. Regard needs to be had to the ugly gable wall of apartment block.
- There is nothing particularly unusual about the windows on east and west facades. To meet the concerns of the Planning Authority in relation to fenestration perhaps the pair to the north could be retained unaltered and the wall to northwest corner could be set back to secure views. The proposed doors for middle pair are acceptable.
- The proposed hall is modest in scale

## 7.2. Planning Authority Response

- No response received to the grounds of appeal.

## 7.3. Observations

Two observations were received from-

- The Owner Management Company (OMC) of St John's Woods Apartments.
- Lorna Kelly on behalf of Sandymount and Merrion Residents Association (SAMRA)

New issues raised can be summarised as follows-

- The photographs submitted with the appeal show the property before most of the trees were removed. The hall and site of extension are clearly visible from the road.

- Concerns relating to the 'Studio' and associated terrace could be addressed by a reduced terrace located on the northern side of the building rather than southern side.
- Maintenance of front building line

#### 7.4. **Further Responses**

- None

### 8.0 **Assessment**

#### 8.1. **Main Issues**

8.1.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal and the third party observations. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the relevant issues for consideration in this appeal are as follows-

- Zoning
- Design and Impact on Character and Visual Amenity of the Area
- Impact on Residential Amenity
- Appropriate Assessment

#### 8.2. **Zoning**

8.2.1. The site is zoned "Z2 - Residential Neighbourhoods (Conservation Areas)" within the Dublin City Development Plan 2016-2022, with a stated objective 'To protect and/or improve the amenities of residential conservation areas. The use is acceptable in this zoning.

### **8.3. Design and Impact on Character and Visual Amenity of the Area**

- 8.3.1. The Planning Authority considers that the scale, bulk and mass of the proposed new structure on the site would be overbearing, is excessive and is an inappropriate and overly-dominant response to the site that would have a negative visual impact on the wider Residential Conservation area. They also consider the proposal would result in permanent and significant alterations to the fabric of an existing historic building which contributes to the character and setting of the Z2 area.
- 8.3.2. The applicants contend the siting and design of the proposed extension has regard to the existing building line on this side of the street and is necessary to screen the unsightly gable wall of the apartment complex to the east of the site. They also consider the extent of interventions to the original building are acceptable but could be revised by condition should the Board feel it would be appropriate. The submission of a supporting report from a Conservation Architect is noted.
- 8.3.3. The existing building on site is not a Protected Structure. Its architectural and historical merit is however observed, as is its proximity and associated original function to St John's Church which is identified on DCC's Record of Protected Structures. It is accepted that that the site and building makes an important contribution to the overall Z2 Residential Conservation Area zoning.
- 8.3.4. The site is currently overgrown and in a neglected condition. There are a number of large mature trees throughout the site. However, views of the existing building are easily available and its presence and contribution to the street is evident although not fully maximised by its neglected condition.
- 8.3.5. The building on site is clearly vacant but it appears its most recent use (in particular the rear and side extension) was for residential purposes. There is a significant risk the condition of this building could deteriorate further. As such the reuse, refurbishment and removal of non-original features such as the extension and mezzanine level are to be welcomed.
- 8.3.6. The proposal involves a contemporary style, three storey extension in the form of a separate but linked block to the side of the original building and 1.9m off the eastern boundary. This block is set 12.5m forward of the original building and slightly forward of the apartment block to the east. The proposed block will have a width of 10.5m

and depth of 23.8m with 6.1m of this recessed 4.9m from the eastern boundary at the rear. The ground and first floors are flush at the front elevation and will have a height of c. 7.4m. The second floor is then set back 7.4m from the front elevation and will be 9.9m high and has a significantly smaller floor area compared to other floors. Both the first and second floors will be finished with flat roofs in contrast to the traditional pitched roof gable to front elevation of the original structure. This proposed block is linked to the original building by a single storey flat roof element recessed c. 1.5m behind the original structure and c. 14m from the proposed block. This link element will be finished to the front in glass.

- 8.3.7. The volume of the proposed extension is clearly very large, but it is considered that the site can accommodate a large extension. The proposal's height and depth seem to reflect the existing apartment development to the east. In this regard the siting of the block to screen the unsightly gable of the apartment development and to reflect the curvature in the road is understood.
- 8.3.8. The application also proposes a 2m high brick wall and wooden gates 7.4m wide from the existing structure to the western boundary. This is sited along the front building line of the existing structure. In the appeal the applicants have suggested this wall can be set back to secure views of the side elevation.
- 8.3.9. The Planning Authority raised concerns over the permanent and significant alterations to the fabric of an existing historic building. In particular they refer to the need of new doors and changes to fenestration. In my opinion the provision of new doors are reasonable interventions given the intended residential use and the desire to access external areas. In term of fenestration changes the applicants have detailed in the appeal that these changes can be omitted by condition. In order to reduce the need for unnecessary interventions to the windows which contribute to the character of the structure I would recommend a condition be attached in this regard should the Board decide to grant permission.
- 8.3.10. In my view, the scale, bulk, massing and design of the proposed extension would not be subordinate to the existing structure and as such would visually dominate it. The extension and wall to the west boundary would also clearly harm views of the majority of the east and west elevations of the original structure. It is considered that the side elevations of this structure contribute positively to the special interest of the

Z2 Conservation Area and to obscure these to the extent proposed would undoubtedly harm the overall setting of this Z2 Conservation Area. Accordingly, the proposed development would be contrary to Policy CHC4 of the Development Plan and Section 16.2.2.3 Alterations and Extensions.

#### **8.4. Impact on Residential Amenity**

- 8.4.1. The Planning Authority has not raised any specific concerns in relation to residential amenity in their refusal reasons. However, it is noted that third party submissions and one observation to the appeal were received in relation to this concern and in particular the proposed use of the studio and terrace area at second floor level and the implications of noise.
- 8.4.2. The drawings show a roof terrace area at the second floor to the southern and rear side of the extension. This area is set back 4.9m from the eastern boundary of the adjoining apartment block. and is to be enclosed by a 2m high screen of obscured glass on this side. A 0.85m glass balustrade is shown along the southern boundary. Section drawing CC and D-D suggest this balustrade also runs along the western boundary of the extension to the most northern point of the studio room. The second floor plan then suggests the remainder of the area at second floor to the north side will be a 'flat roof' separate from the clearly identified roof terrace.
- 8.4.3. The drawings show a studio room at second floor level. Subject to this room being used for purposes ancillary to the main residential use it is considered there are no concerns in this regard. While I appreciate the matters raised by the observer in relation to the size, use and noise from the terrace, the proposal is for a private amenity space ancillary to the residential use. As such there are also no concerns in this regard.
- 8.4.4. The proposed extension and roof terrace are set back 16.8m from the rear boundary and in this context, I am satisfied there are no concerns in relation to overlooking. Given the size of the site, its orientation and the proposed setback of the extension from the northern boundary I am satisfied that the proposed development will not lead to undue overshadowing or loss of light. Accordingly I am satisfied the proposed development will not impact negatively on residential amenity in the area.

## **8.5. Appropriate Assessment**

- 8.5.1. Having regard to the nature and small scale of the proposal and the distance from the nearest European sites, 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

## **9.0 Recommendation**

- 9.1.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

1. The proposed development, by reason of its excessive scale, bulk, massing and design, would detrimentally affect the character of this Z2 zoned Residential Architectural Conservation Area, would thereby seriously injure the visual amenities of the area and as such would be contrary to Policy CHC4 and Section 16.2.2.3 of the Dublin City Development Plan 2016-2022 and. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Adrian Ormsby  
Planning Inspector

11<sup>th</sup> of November 2020