



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307926-20

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | PROTECTED STRUCTURE: the incorporation of balustrading to east (front) & west (rear) parapets at roof level of 54 Heytesbury St. Works to no. 55 will consist of addition of single storey extension at first floor level. |
| <b>Location</b>                     | 54 & 55, Heytesbury Street,<br>Portobello, Dublin 8.   |
| <b>Planning Authority</b>           | Dublin City Council North  |
| <b>Planning Authority Reg. Ref.</b> | 2709/20  |
| <b>Applicant(s)</b>                 | Kostas Efthymiou   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refusal  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Kostas Efthymiou.  |
| <b>Observer(s)</b>                  | None.  |
| <b>Date of Site Inspection</b>      | 10/11/20.  |
| <b>Inspector</b>                    | Adrian Ormsby  |

## 1.0 Site Location and Description

- 1.1. The appeal site is c. 1.8km to the south west of Dublin City centre and c. 700m south west of St Stephens Green at no. 54 Heytesbury Street. The site is located within a terrace and adjoins the northern gable of No 55 and the southern gable of No. 53 Heytesbury Street. The site has a stated area of 95 sq.m.
- 1.2. Both 54 and 55 are currently under development with hoarding to the public path and street. It was not possible to see the current condition of the site at No. 54 due to the hoarding, but it was most recently a single storey building facing onto Heytesbury Street with a pitched slate roof. Its permitted use is for a surgery.
- 1.3. No 2. South Circular Road adjoins No 55. It appears these buildings have been amalgamated and for the purpose of this application are both referred to as No. 55. This building is a three storey end of terrace brick finish property with a single storey and a half style annex with flat roof to Heytesbury Street. These properties are identified as within the ownership of the applicant.
- 1.4. No.'s 53 & 55 Heytesbury Street and No. 2 South Circular Road are all protected structures (RPS Numbers 3792, 3793 and 1791 respectively). They are all recorded on the RPS as houses.

## 2.0 Proposed Development

- 2.1. The proposed development comprises-
  - A 4 sq.m extension at the roof level of No 54 Heytesbury Street. The extension will be accessed from No. 55
  - The extension will provide access to 15 sq.m of private amenity space at roof level
  - balustrading to the east (front) and west (rear) parapets at roof level of the single storey structure.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission on the 17-07-20, for the following reasons-

*Having regard to the Z2 zoning objective, as set out in Dublin City Development Plan 2016-2022, it is considered that the proposed development would appear visually incongruous, would have a detrimental impact on the character and scale of the Protected Structure and a negative visual impact on the character of the conservation area. The proposed development would appear overbearing, would unduly overlook third party private open space and have a negative impact on adjoining residential amenity. The proposal would therefore 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 (dated 17-Jul-2020) reflects the decision of the Planning Authority. The following is noted from the report:

- A first floor roof terrace above No. 54 Heytesbury Street and doorway from No. 55 Heytesbury Street was omitted in the previous application on the site.
- The proposal would have a negative impact on the residential amenity of adjoining property in terms of overlooking, overbearing and the character of the street and protected structure.

### 4.2. Other Technical Reports

- Drainage Division- No objection subject to condition
- Conservation- There is a report on file stating-

“There was no Conservation Officers review of the file undertaken.”

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

- TII- No objections subject to S.49 Contributions

#### 4.4. **Third Party Observations**

One submission was received from a resident of 6 South Circular Road. The following issues were raised-

- The proposal will result in overlooking and loss of privacy.
- Loss of light to private open space
- Over development of an architecturally sensitive area

#### 5.0 **Planning History**

This and adjoining properties-

- 3353/19, ABP 305748-19-
  - Redevelopment works to no. 54 Heytesbury Street; a change of use to the ground floor from storage to commercial use as a surgery and the incorporation of an external amenity space at roof level serving the existing house.
  - internal amendments to pl ref. 2006/19, extension at first floor level at no. 55 Heytesbury Street

ABP Order 28/02/20 Final Grant 18/03/20

ABP Decision to Attach Condition 2 requiring the following amendments-

- a. The proposed erection of a new bedroom extension at first floor level of No. 54 Heytesbury Street that was proposed to serve the main house of No. 55 Heytesbury Street shall be omitted from the proposal.

- b. The proposed first floor roof terrace above No. 54 Heytesbury Street, associated screening and doorway from No. 55 Heytesbury Street shall be omitted from the proposal.

Reason: In the interest of residential amenity and maintaining the appearance of a historic streetscape within the context adjoining Protected Structures and the surrounding Residential Conservation Area.

- 2006/19-
  - (a) renovation to No 2 South Circular Road and No 55 Heytesbury Street for use as a dental surgery and for continuation of use as a medical practice.
  - (b) Renovation of the residential space for use as a single dwelling unit.
  - (c) addition off a two storey over ground floor bathroom extension to the north side of the existing house.
  - (d) removal of uPVC windows and replacement with historic replica windows works to the external grassed space and exposed external basement areasGrant 06/06/19
  
- 3295/99- New pitched roof to replace existing flat roof. Grant, 17/04/20

## 6.0 Policy Context

### 6.1. Development Plan

- 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. 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.....*

#### Section 16.2.2.3 Extensions and Alterations to Dwellings-

*....alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:*

- *Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline*
- *Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.*

- Section 16.10.12 Extensions and Alterations to Dwellings:

*'Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:*

- *Not have an adverse impact on the scale and character of the dwelling;*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.'*

- Appendix 17 Guidance for Residential Extensions
- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy-
  - *Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat-roof extensions as balconies can often lead to problems of overlooking.*
- Section 17.11 Roof Extensions:
  - *The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered.*

## 6.2. Natural Heritage Designations

### 6.2.1. None Relevant

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A first-party appeal has been lodged. The following is a summary of the main issues raised-

- The appeal sets out the recent planning history of the site.
- The appeal sets out the context of the current application and discusses the assessment of Dublin City Council DCC, the development plan and the refusal reason.
- The decision to refuse permission calls into question the viability of the home
- The existing external amenity space for the house is a street level garden which is exposed and lies within the domain of the proposed dental surgery. The void above No. 54 presents an opportunity to develop an external

amenity area as part of the overall development works. The impact on the streetscape and the adjoining property will be minimal.

- Given the aspect and minimal construction there would not be any significant overshadowing. A daylight study is provided.
- The drawings clearly show a delineated area of roof terrace with planting at the edges. This zone is centred on the roof and does not overlook. The edge zones are proposed for maintenance only.
- The extension will appear as both separate and subsidiary to the existing building. Visualisations of the development are included.
- The design seeks to interface with the protected structure in a sensitive manner. The extension is set back. It is finished with modern material to read as separate from existing brick buildings while receding from view due to the shaded matte palette. No significant features are affected.
- A Conservation Report and Heritage Impact Assessment April 2020 is submitted with the appeal.

## **7.2. Planning Authority Response**

- No response received to the grounds of appeal.

## **7.3. Observations**

- 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 submissions and observations received in relation to the appeal. I have also reviewed the planning history on the site most notably 3353/19 and ABP 305748-19. I have inspected the site from the public road and the rear private amenity space of



No. 6 South Circular Road. Having had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Zoning
- Impact on the Historic Character of the Area
- Residential Amenity
- Appropriate Assessment

## 8.2. Zoning

- 8.2.1. The subject site is located within an area with 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. The proposed development seeks to provide an extension and a rooftop terrace to. I consider an extension and the provision of private open space to a residential unit lacking in same, is acceptable in principle, provided it does not negatively impact on the historic character visual or residential amenities of the area.

## 8.3. Impact on the Historic Character of the Area

- 8.3.1. The proposal is for a roof level extension to a permitted development that is currently under construction. The extension is set back from the front building line and will have a flat roof, a predominantly glazed elevation to the public road and is to be finished in grey zinc clad to match the permitted bathroom extension of No 55 Heytesbury Street (not yet built). The extension will be accessed by lowering the sill level of a window on the northern elevation of No.55 and internally linked. The proposal also includes a roof terrace and 1.1m glass balustrading to the east and west elevations.
- 8.3.2. The development is at the roof level of No 54 Heytesbury Street which abuts No's 53 and 55 Heytesbury Street both of which are protected structures. It is noted that the majority of other properties on Heytesbury Street are all Protected Structures (i.e. No's 10 -52). This highlights the significance of this site and its sensitivity to

inappropriate development, within an area subject to the Z2 zoning objective (Residential Conservation Areas).

- 8.3.3. The proposed development, by reason of its siting at first floor level is an incompatible development for a rooftop in this area and would be visually conspicuous and incongruous to its surrounding area. It would adversely affect the integrity, setting and character of both adjoining buildings No's 53 & 55 which are included on the record of protected structures and the established character of the streetscape along Heytesbury Street which is within the Z2 Residential Conservation Area.

#### **8.4. Residential Amenity**

- 8.4.1. The Planning Authority contends that the proposed development would appear overbearing, would unduly overlook third party private open space and would have a negative impact on adjoining residential amenity. In this regard it appears the Planning Authority's concern relates to the impacts from the development on No's 4 and 6 the South Circular Road.
- 8.4.2. The site at No.54 is shown as 7.881m wide. The proposed extension extends c. 3.4m from No. 55 and will be c. 2m deep. It has a stated internal floor area of 4 sq.m. The height of the extension from roof level will be c. 3m to its parapet. It will be finished in zinc cladding. The proposal is sited directly on its western boundary with No. 4. I consider it will have a significant negative visual and overbearing impact on the private amenity space of this property.
- 8.4.3. The roof top development is clearly divided into a 15 sq. m terrace area and a larger area indicated as 'flat roof'. The application details the flat roof is to be accessed for maintenance purposes only to external plant which is identified in the drawings. The proposed terrace and flat roof are to be divided by a planter. The east and west boundary of the combined roof and terrace area is to be protected by a 1.1m glass balustrade.
- 8.4.4. I have inspected the site from the private amenity space of No. 6 South Circular Road. The proposed extension and balustrade will be clearly visible from this property. The terrace area is proposed directly behind the extension element of the proposal. It is intended that the extension will screen the proposed terrace from the

private amenity spaces of both No's 4 and 6 South Circular Road. The northern boundary of the terrace area is shown as a planter.

- 8.4.5. In my opinion a proposed planter cannot be considered an appropriate form of screening in the context of this site. It would be inevitable that users of the terrace area would be able to access views towards the rear of No's 4 and 6. Alternative proposal for screening by way of a condition would not be realistic without visual impact concerns having regard to the character of the area. There would also be difficulties with enforcing any condition specifying the area identified as 'flat roof' should not be used as a roof terrace. I therefore agree with the Planning Authority's opinion in relation to overlooking. The proposed terrace at roof level would enable unacceptable levels of overlooking and loss of privacy to the private amenity spaces of No's 4 and 6 South Circular Road.

## 8.5. **Appropriate Assessment**

- 8.5.1. Having regard to the nature and small scale of the proposed development and the distance from 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 a European site.

## 9.0 **Recommendation**

- 9.1. 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 nature and siting at first floor level would be incompatible, visually conspicuous and incongruous to its surrounding area. It would adversely affect the integrity, character and setting of No's 53 and 55 Heytesbury Street which are both included on the record of protected structures, as well as the established character of the streetscape along Heytesbury Street which is located within the Z2

Residential Neighbourhoods (Conservation Areas). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its size and location at roof level and proximity to the private open space of No's 4 and 6 South Circular Road, would seriously injure the residential amenity of these properties by reason of overbearing and overlooking. 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

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