



An
Bord
Pleanála

Inspector's Report

ABP-308751-20

Development

RETENTION: The removal of the non-original metal railings and steps to the front conservatory in line with the proper conservation of the existing dwelling (DCC Ref WEB 1521/16, ABP Ref: PL29S.248188).

Location

1 Grosvenor Place, Rathmines, Dublin 6.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

WEB1643/20

Applicant(s)

Ronan & Karen Daly

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Phillip O'Reilly

Date of Site Inspection

15th February 2021

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The subject site is located on the eastern side of Grosvenor Place, which is to the west of Rathgar Road and to the south of the village of Rathmines. No.1 Grosvenor Place is a substantial two storey period property over garden level. It is a detached red brick Victorian property located on a large site area. While not a P.S the site adjoins the curtilage of a Protected Structure no.15 Grosvenor Road, which is to the south. There are a number of substantial period properties of varying design in this residential/conservation area. The site is located between the junctions of Grosvenor Road and Kenilworth Road. There are double yellow lines along the road frontage and there is a pedestrian access to the site. There is an access lane that runs behind these properties to provide rear access and there is a garage at the rear of the site.

2.0 Proposed Development

2.1. Permission is sought for retention of removal of non-original metal railings and steps to the front of the conservatory in line with proper conservation of the existing dwelling (PL29S.2481188).

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to two conditions. Conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (11/11/20): It was accepted that there was justification for removal of the steps on the basis of structural condition and the fact that such were not an original feature of the dwelling as well as noting that removal of such has enhanced the appearance as it has uncovered an arch and doorway at ground floor level. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (15/10/20): No objection.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 A number of third party submissions were received. The issue raised can be summarised as follows...

- Need to comply with previous permission granted, no justification for removal of the steps.

4.0 Planning History

4.1 PL29S.248188 (1521/16): Permission granted for demolition of house storage and sunroom, construction of extension, windows modification, construction of vehicular entrance and all associated site works.

5.0 Policy Context

5.1. Development Plan

5.1.1 Dublin City Development Plan 2016-2022. This is the pertinent plan. The site is within the Z2 Residential/Conservation Land Use Zoning where the Objective is: To protect and/or improve the amenities of residential conservation areas.

CHC1: 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.

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.

11.1.5.6 Conservations Areas-Policy Approach

All new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic or topographical interest. The general design principles are set out in a separate policy but it is particularly important within Conservation Areas that design is appropriate to the context and based on an understanding of Dublin's distinctive character areas.

CHC5: To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas. The City Council will resist the total or substantial loss of:

- Protected structures in all but exceptional circumstances (and will require the strongest justification, including professional input with specialist knowledge so that all options receive serious consideration).
- Non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area, unless it can be demonstrated that the public benefits of the proposals outweigh the case for retention of the building. Demolition behind retained facades may be considered on non-protected structures, depending on the significance of the structures, where it

will secure the retention of façades which make a significant contribution to local townscape, where it will maintain the scale of original rooms behind principal façades and where the demolition is considered otherwise acceptable having regard to the above policy considerations.

Where an existing structure is considered to make a neutral or negative contribution to an Architectural Conservation Area, the City Council will encourage:

1. Its demolition and replacement with a high quality building with enhanced environmental performance,

or

2. Where appropriate, its improvement, recladding or refurbishment to improve both its appearance and environmental performance.

In all cases, demolition will only be permitted where:

1. Any replacement building will be of exceptional design quality and deliver an enhancement to the area and improvement in environmental performance on-site, taking into account whole life-cycle energy costs.
2. Firm and appropriately detailed proposals for the future re-development of the site have been approved and their implementation assured by planning condition or agreement.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Phillip O'Reilly, 18 Grosvenor Place, Rathmines, Dublin 6.

- There is no justification for deviation from the permission granted under PL29S.248188 for the removal of the steps to the conservatory and there is no reason such could not be reinstated as per the permission granted.
- The appellant does not consider that the argument that such were not original is justification noting that the conservatory itself was a later addition to the dwelling and that the steps were integral to such and had been in place for a considerable period of time.
- The appellant considers that the permission granted under PL29S.248188 is legally binding and there is no reason to justify deviation from such. Permission in this case should be refused.

6.2. Applicant Response

6.2.1 Response by ODKM Architects on behalf of the applicants, Ronan & Karen Daly, 1 Grosvenor Place, Rathmines, Dublin 6.

- The applicants noted that during exploratory works structural defects were uncovered and such information would not have been available at time permission was sought, with the decision taken to remove the steps to protect the main dwelling.
- The removal of the steps exposed an original semi-pointed arch, Voussoir brick detail and original timber doorway at ground floor level which are original features in the historic fabric of the house that would have otherwise remain obscured.
- It is considered the removal of the steps enhance the appearance of the existing dwelling and accord with Policy CHC4 of the City development Plan.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

- 7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development, architectural heritage.

- 7.2 Principle of the proposed development, architectural heritage:

7.2.1 Permission was granted under PL29S.248188 (WEB1521/16) for demolition of part of the existing dwelling and construction of an extension. It was determined during this application that the demolition of the side conservatory and associated steps was not appropriate and that such were to be refurbished and maintained under condition no. 2 of the permitted development.

7.2.2 The existing dwelling on site is an attractive two-storey red brick Victorian dwelling and although not a protected structure is located within an Architectural Conservation Area and is of architectural heritage value. The dwelling features a distinctive side conservatory addition, which although not original to the dwelling is of considerable age and adds to character of the dwelling. The current proposal is to retain the removal of the steps with the applicants indicating the justification for such being structural issues encountered, the fact that such are a non-original feature and the fact the removal of the steps have enhanced the appearance of the structure and allowed for the visibility of original features that had been obscured. The appellant is of the view that the removal of the steps is unjustified and that the permission granted is legally binding and should be complied with.

7.2.3 The works subject to permission ref no. PL29S.248188 have been carried out and the dwelling is now occupied and appears to have been refurbished to a high standard including refurbishment of the existing conservatory to the side of the dwelling. The appellant raises concerns regarding the fact the removal of the steps does not comply with the permission granted and indicates that such should be legally binding. The

proposal is for retention of the removal of the steps. The Planning and Development Act, 2000 (as amended) allows for applicants to apply for retention permission and have such applications considered on their merit. In this case the proposal for retention of the removal will be assessed on its merits, and not purely on the basis of its failure to comply with condition no. 2. In relation to such, the Board is not the enforcement Authority and has no powers in this regard. The Planning Authority has ample power to punish breaches of planning permission/unauthorised development and such is a matter for it to deal with. I intend to assess the proposal on its merits, in the context of planning policy and the proper planning and sustainable development of the area.

7.2.4 It was determined under PL29S.248188 that the side conservatory and steps should be retained and condition 2 required amended plans reflecting this fact. Such was considered to be a feature/structure of architectural value and contribute to character of the conservation area. The issue of whether the steps are original to the dwelling or conservatory itself is not a relevant consideration. The applicants have indicated that structural defects and damage to the existing dwelling were the reasoning for removing the steps. I do not consider that such is beyond the realms of possibly considering the age of the property and the issues that may arise when physical works begins on such structures.

7.2.5 The main question here has the status and character of the conservation area been impacted and has the removal of steps had such a significant or detrimental impact on the character of such. The existing structure is not a protected structure but is within an Architectural Conservation Area and the objectives and policy in relation such are outlined in the planning policy section above. The evidence on site (inspected from road due Covid precautions, the appeal documents includes photographs also) is that the works carried on site have not been detrimental to the character of the Architectural Conservation Area and refurbishment works are of a high quality and have enhanced the appearance of the existing structure, which was previously in neglected condition (see file photos from PL29S.248188). The applicants have pointed out that an original semi-pointed arch, Voussoir brick detail

and original timber doorway at ground floor level which are original features in the historic fabric of the house that would have otherwise remain obscured are now visible and enhance the appearance of the dwelling. I would concur with this view and note that visibility of these features do enhance the aesthetic appearance of the existing structure and would comply with policy in relation to preserving structures and features of architectural heritage value.

7.2.6 I would consider on the basis of facts and overall impact of the works carried out, that removal of the steps to the conservatory is acceptable and has not been detrimental to the status of the area as an Architectural Conservation Area.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity 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 a European site.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the nature and scale of the development for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to the status of the area as an Architectural Conservation Area, would be in accordance with Development Plan Policy in this regard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

Colin McBride
Planning Inspector

19th February 2021