



An
Bord
Pleanála

Inspector's Report ABP-308794-20

Development

Demolition of an existing 2-storey non-original extension to rear of coach house and the construction of a 2-storey extension over basement extension in its place. In addition, various alterations are proposed to the interior and exterior of the main dwelling, which is a designated Protected Structure, including but not limited to in part to integrate the proposed new extension into its internal layout. Alterations including the blocking up of an existing entrance, the provision of a new entrance onto the public road as well as the removal of partitioning between the main dwelling and the existing front off-street car parking area also proposed. Permission is also sought for all associated site works and services.

Location

'Park Lodge', a Protected Structure, No. 36 Booterstown Avenue, Booterstown, Co. Dublin, A94 NIAC.

Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D20A/0486.
Applicant(s)	Siun & Ronan Browne.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Des & Paul Roche.
Observer(s)	None.
Date of Site Inspection	17 th & 19 th day of June, 2016.
Inspector	P.M. Young.

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1.0 Site Location and Description

- 1.1. 'Park Lodge', the appeal site, has a given site area of 0.1465ha and is located at No. 36 Booterstown Avenue on the eastern side of this public road, c1km to the north of its junction with the residential cul-de-sac Will Place and c0.3km to the south of its T-junction with the heavily trafficked Rock (R118), in the Dublin city suburb of Blackrock, which lies over 6km to the south east of the city centre.
- 1.2. The site's streetscape scene is characterised by a variety of mainly period house types with several substantial period properties of notable built heritage interest on generous plots which together contribute to the rich architectural character of Booterstown Avenue. The quality of this appeal site's streetscape scene is reflected in it being designated a candidate Architectural Conservation Area under the applicable Development Plan.
- 1.3. The site itself contains an attractive but much modified 2-storey over raised basement double fronted Georgian period semi-detached dwelling with an attached converted coach house building. The main dwelling forms part of a semi-detached pair that date to c1820s/1830s, that are setback from the roadside by way of an area of off street hard surfaced car parking to the front of the coach house building which is located on the northern portion of the site and on the southern portion of the site a raised garden. The latter semi-private space has higher ground levels to the adjoining public domain and the adjoining off-street car parking area that serves No. 36. The two semi-private spaces to the front building line are separated by a tall solid boundary wall with planting with a pedestrian sized gate together with a set of granite steps linking these two spaces. In addition, a linear pedestrian pathway that runs from the public domain via a period painted cast iron gate which is flanked and topped with mature hedging and a set of granite steps to the raised front door of the main house. The well-tended semi-private garden area due to the planting and boundaries is relatively enclosed from view from the public domain of Booterstown Avenue and it finishes at a setback from the lower basement level of the principal façade. This setback and its associated retaining wall facilitate light, ventilation, and secondary access to the main dwelling's lower ground floor level.
- 1.4. To the rear of the coach house building is a non-original structure c1990s 2-storey extension.

- 1.5. To the rear the main dwelling opens onto a walled south facing garden to the area.
- 1.6. In addition to the period pedestrian opening symmetrically placed in the roadside boundary to the front of the main dwelling there is also a vehicle and what appears to be a blocked up pedestrian access on the northern portion of the roadside boundary, i.e., to the front of the coach house building. The vehicle entrance is flanked by tall solid pillars with the aforementioned blocked up pedestrian in the tall solid flanking wall that stretches from the northern pillar serving the vehicle entrance and terminating alongside the vehicle entrance serving the adjoining property to the north. This section of roadside boundary treatment restricts views into what is effectively a paved stone courtyard that comprises the previously mentioned car parking area and with this car parking area having a courtyard character with a high degree of privacy from the public domain.
- 1.7. The principal façade of the coach house which addresses Booterstown Avenue benefits from direct access onto this semi-private courtyard space.
- 1.8. Adjoining the northern side elevation of the coach house building there is another tall solid vehicle entrance that provides vehicle entrance to the side and rear of No. 36. With the area to the immediately to the rear of the coach house enclosed by a mixture of solid boundaries and including an outbuilding attached to the northern boundary wall. This immediate area appears to be cordoned off from the principal private amenity space that serves No. 36.

2.0 Proposed Development

2.1. Initial Application as submitted on the 13th day of July, 2020.

2.1.1. Planning permission is sought for the following:

- Demolition of what is described as an existing non original 2-storey extension to rear of a coach house on north eastern side of an existing house (Note: 40m²) and its replacement with a new 2-storey over basement extension (Note: 169m²) comprising a store on lower ground floor level, a kitchen pantry on the ground floor level and a master bedroom with en-suite and dressing room on first floor level linked to existing house. These works also include internal reconfiguration of the existing coach house.

- Provision of new openings in gable wall of existing house at upper ground floor level and first floor levels.
- Provision of revised layout and alterations at first-floor level of existing house to connect to a new master bedroom.
- Provision of internal alterations at lower ground floor level (basement level) to remove existing modern kitchen and provide in its place a new guest bedroom, en-suite, and family room within the existing structure.
- Upgrading works to existing windows, doors, together with the provision of new mechanical and electrical installation.
- Carrying out of essential roof repairs to existing house.
- Proposed relocation and widening of existing vehicular entrance so that it is positioned adjoining the east boundary on Booterstown Avenue.
- Blocking up of an existing entrance.
- Permission is sought to remove existing separation wall between the parking area and the front garden area of Park Lodge. These works also provide for revised side gates and vehicular entry to the side of coach house.
- All associated site and development works.

2.1.2. This application is accompanied by a document titled 'Park Lodge', No. 36 Booterstown Avenue, Booterstown, Co. Dublin, Heritage Appraisal', dated June, 2020.

2.2. Further Information as submitted on the 12th day of October, 2020.

2.2.1. The substantive revisions made to the proposed development by way of the applicant's further information response can be summarised as follows:

1. The height of the proposed 2-storey extension has been reduced so that it now sits 900mm above the existing ridge line of the historic coach house building, the roof structure would be finished with a low zinc flat roof and at its highest point the 2-storey structure has now a maximum height of 20.74m.
2. The full height gable window that faced the adjoining property to the east is now fitted with a horizontal timber louvre screen.

3. The first-floor master en-suite north facing window has been omitted and replaced with 2 no. narrow slot windows fitted with obscure glazing.
4. The proposed new entrance onto Booterstown Avenue has been revised. It is now proposed to recess this entrance by 1m setback from the pedestrian footpath edge. In addition, the entrance width of 3.5m has been revised to be in accordance with Section 8.2.4.9 of the Development Plan and 45-degree angled flanking walls are proposed on either side of the new entrance in order to provide improved visibility particularly for vulnerable road users.
5. In terms of the interior of the Protected Structure the original scheme included the subdivision of a first-floor bedroom into two bedrooms which were labelled Bedroom 3 and 4. In relation to this proposed subdivision it is indicated that the original fireplace is no longer *in situ* and it is contended that it could have been removed during the 1990s renovation. It is clarified that the original chimney breast is present and that it would be maintained it as part of the renovation works.

2.3. A '*Shadow Analysis Study*' accompanies the further information submission.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The Planning Authority decided to **grant** planning permission for the proposed development as revised subject to 9 no. mainly standard conditions including:

Condition No. 2: Requires all external finishes and treatments to be agreed.

Condition No. 3: Restricts the level of demolition permitted.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The final **Planning Authority's Planning Officer** deemed that the concerns raised in the further information request had been satisfactorily address and that all other outstanding concerns could be dealt with by way of conditions. It was therefore concluded that the proposed development as revised on the 12th day of October, 2020,

should be granted subject to 9 no conditions. The Planning Authority's notification of decision to grant permission reflects this recommendation.

The initial Planning Authority's Planning Officer's report concluded having considered the proposed development scheme recommended that further information should be sought.

Item No. 1(a) & (b): Concerns raised that the proposed extension would appear visually obtrusive and overly dominant when view from the public road and the existing property to the north. Alongside, concerns were raised that the proposed extension would result in visual and residential amenity impacts on the area. The applicants were requested to address these concerns.

Item No. 2: Clarity was sought on whether the chimney piece survived in the room for which subdivision is sought to create bedrooms labelled 'Bedroom 3' and 'Bedroom 4' in Drawing No. 1912-PL-0100.

Item No. 3(a) & (b): Requires the applicant to address the Transportation Planning concerns. These concerns essentially related to the insufficient visibility for exiting vehicles to pedestrians on the adjacent footpath and vice versa from the proposed new entrance. As well as sought that the width of the entrance meet the requirements for single residential dwellings under Section 8.2.4.9 of the Development Plan.

3.2.2. Other Technical Reports

Transportation Planning: Their final report included the following comments:

- The revised recess of the vehicular entrance and associated revised roadside boundary deemed acceptable in terms of addressing F.I. Item No. 3(a).
- The 3.5m width entrance is deemed to be acceptable in terms of addressing F.I. Item No. 3(b).
- Subject to a number of recommended safeguards that it is advised should be included by way of condition or conditions in the event of a grant of permission no

objections raised to the development as revised. (Note: these correspond with the requirements of Condition No. 6 of the Councils notification to grant permission).

Conservation: Their final report indicates that they are satisfied with the revisions made and consider that the development, as revised, would not adversely affect the Protected Structure and that it would not result in any adverse visual amenity impact. It is also accepted that the fireplace in the first-floor bedroom no longer survives and therefore no further issues are raised with regards to the subdivision of the room in order to create Bedroom 3 and Bedroom 4. This report concludes with no objection.

Drainage: No objection, subject to safeguards.

3.3. Prescribed Bodies

- 3.3.1. The Planning Authority referred this application to The Heritage Council, Failte Eireann, An Taisce, the Department of Culture, Heritage, and the Gaeltacht, and An Chomhairle Ealaíon. No responses were received during the Planning Authority's determination of this application.

3.4. Third Party Observations

- 3.4.1. During the course of the Planning Authority's determination of this application the Third-Party Appellants submitted their observations in relation to the proposed development sought. Having read this observation I consider that the concerns raised correlate with those raised by them in their appeal submission to the Board.

4.0 Planning History

4.1. Site

- 4.1.1. **P.A. Ref. No. 187/91:** Planning permission was granted subject to conditions for a two-storey extension to the rear and alterations to the main house.

4.2. Vicinity:

- 4.2.1. I consider that there are no relevant precedents in the site setting for a similar development.

5.0 Policy Context

5.1. National

- 5.1.1. Of particular relevance to the subject of this application is the '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*', Section 28 Ministerial Guidelines. This document provides a detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.2. Development Plan

- 5.2.1. The Dún Laoghaire Rathdown County Development Plan, 2016 to 2022, is the applicable Development Plan. Under which the site and its setting are zoned 'A' with the stated land use zoning objective: "*to protect and/or improve residential amenity*" and the site is also located within the Booterstown Avenue Candidate Architectural Conservation Area.
- 5.2.2. The subject property which has the given name 'Park Lodge', has been designated as a Protected Structure, by reason of its inclusion in the Record of Protected Structures contained in Appendix 4 of the County Development Plan (RPS No. 43).
- 5.2.3. Section 6.1.3 of the Development Plan deals with the matter of Architectural Heritage.
- 5.2.4. Policy AR1 of the Development relates to the Record of Protected Structures and it indicates that it is policy of the Council to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical, or social interest in the Record of Protected Structures (RPS) (Note: AR1(i)); also, it indicates that it is a policy of the Council to:
- Protect structures included on the RPS from any works that would negatively impact their special character and appearance (Note: AR1(ii)).

- Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage, and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities', (2011), (Note: AR1(iii)).
- Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure (Note: AR1 (iv)).

5.2.5. Policy AR2 of the Development Plan relates to Protected Structures Applications and Documentation. It sets out that it is the Council policy to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) Planning Regulations and Chapter 6 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, or any variation thereof.

5.2.6. Section 8.2.11 of the Development Plan deals with the matters of Archaeological and Architectural Heritage with Section 8.2.11.2(i) of the Development Plan setting out the matters that will be given consideration in the assessment of extensions, alterations, and changes of use to a Protected Structure.

5.2.7. Section 8.2.3.4(i) of the Development Plan deals with extensions to dwellings.

5.2.8. Section 8.2.4.9 of the Development Plan deals with Vehicular Entrances and Hardstanding Areas.

5.3. Natural Heritage Designations

5.3.1. The following European sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Special Protection Area (Site Code: 004024), is located c339m to the north of the site at its nearest point.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), is located c438m to the north east of the site at its nearest point.

5.4. EIA Screening

5.4.1. Having regard to the nature, scale and extent of the proposed development comprising the rear residential extension in a serviced urban area together with the lateral

separation distance between the site and the nearest European Sites there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. A Third-Party appeal against the Council's decision was submitted by Des & Paul Roche, of 'Willow Lodge' No. 34 Booterstown Avenue, which adjoins the appeal site on its northern side. The grounds of appeal can be summarised as:

- The Planning Authority has not addressed the concerns of overshadowing and overlooking that arises from the proposed development and that would, if permitted, diminish their residential amenities.
- The further information revisions do little to mitigate the residential and visual amenity impacts that the proposed 3rd floor level would give rise to.
- The proposed development, even as revised, would dominate the skyline and would visually appear overly dominant when viewed from their property.
- This development is inappropriate and out of character with its site and setting.
- The original composition of No. 36 allows for a large three storey house to step down in excess of 3m to a two-storey section which have a tapered elevation. It also allowed for an appropriate visual response between No. 36 and their two-storey property resulting in a balanced streetscape.
- It is not accepted that this development achieves a satisfactory alignment with its streetscape setting.
- The Board is sought to overturn the Planning Authority's decision to grant permission; however, should the Board be minded not to do so it is requested that the Board reduce the height of the extension significantly from what is proposed in order to address their residential and visual amenity concerns.

6.2. Applicant Response

6.2.1. The First Party response can be summarised as follows:

- It is not accepted that the proposed development sought under this application would give rise to any loss of light or otherwise to the appellants property.
- The northern building line of the extension has been kept 400mm behind the existing northern gable of the coach house facing the appellants property with all windows either obscured glass or screened by timber louvres. These measures ensure that no overlooking or loss of privacy arises to the appellants property.
- The main kitchen/living area at first floor level of the replacement extension overlooks the south east facing main garden of No. 36 and therefore turns its back on the appellants property.
- The proposed development would give rise to little or no additional overshadowing of No. 34.
- As part of the further information response a reduced height of the proposed extension is now proposed.
- The proposed extension would be neatly tucked behind the existing coach house.
- The Planning Authority welcomed the revisions made and deemed the development acceptable including in terms of residential and visual amenity impacts of the area.
- The Board is requested to uphold the Planning Authority's decision in this case.

6.3. Planning Authority's Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to their Planning Officer's report.
- The grounds of appeal raise no new issues that would justify a change of attitude of the Planning Authority to the proposed development.

7.0 Assessment

7.1. Overview

- 7.1.1. Having inspected the site and reviewed the file documents together with having had regard to all relevant planning provisions I consider that the substantive issues in this appeal case are those raised by the Third-Party Appellants in their appeal submission to the Board. With these essentially relating to residential and visual amenity impact of the proposed development on their property. I therefore propose to deal with these matters in my main assessment below. In addition, I note that the appellants also raise concerns in terms of the visual impact of the proposed development on its surrounding setting. This I will examine as part of this 'Overview' section of my report. I also consider that the matter of 'Appropriate Assessment' requires examination. This I propose to address at the end of my assessment (Note: Section 7.3).
- 7.1.2. Before I commence my main assessment of this appeal case, the proposed development sought under this application I have set out in detail under Section 2 of this report above. In summary the proposed development sought under this application and as revised by way of the applicants further information response, could be described as a planning application under which planning permission is sought by the applicants for the demolition of an existing non-original 2-storey extension to the rear of an existing coach house building and the provision of alterations to the interior as well as exterior of the main dwelling house 'Park Lodge', which is a designated Protected Structure, under the applicable Development Plan's Record of Protected Structures (Note: Appendix 4). With this including alterations and additions to its curtilage including amendments to the roadside boundary addressing Booterstown Avenue in order to accommodate the blocking up of an existing entrance and the provision of a new vehicle entrance together with associated boundary treatment amendments. In addition, alterations to the semi-private domain between the front building line of 'Park Lodge' and the coach house are proposed with this including the removal of a partitioning wall that exists from the soft landscaped area to the front of the main dwelling and the paved surface area to the front of the coach house building that also accommodates access and egress onto Booterstown Avenue. These latter works would achieve a more coherent single semi-private open space to the front

building line of the main dwelling and coach house building to facilitate and improve its function as a single dwelling house.

- 7.1.3. It is of relevance to note that the site and its setting form part of a larger parcel of urban land that is subject to the land use zoning objective 'A' under the Development Plan. This land use objective seeks to protect and/or improve residential amenity as well as is accompanied by a list of different types of land uses that are deemed to be permissible on such zoned land. In this regard, the general principle of residential developments is deemed to be acceptable in principle on such lands, subject to safeguards, in particular that no adverse impacts arise to residential and visual amenity.
- 7.1.4. In addition to this whilst Booterstown Avenue contains range of land uses its primary land use function is residential in character, with residential bounding the site on its southern and northern boundaries. Alongside residential being the principle land use present within the streetscape scene and visual setting of the site.
- 7.1.5. In respect of the land use zoning of the site as well as its setting and having regard to the prevailing pattern of land uses the demolition of residential structure and its replacement with a residential structure. With the latter seeking to return No. 36 into a land use function that reflects its historical land use function as one dwelling house. Would in my view accord with the land use zoning objective and be a type of development that would not be discordant or out of character with what is a predominantly residential in character urban setting. There is also capacity to absorb increased water and wastewater demands of residential developments that occur in this area, though this type of development is unlikely to create significantly greater demands on this infrastructure and together with improved surface water drainage mitigation could result in improvements that this is more effectively catered for within the curtilage of the site, a site which would still retain a significant area of deep soil to the rear of the main dwelling house and the rear of the proposed two-storey extension.
- 7.1.6. It is also of particular relevance to this planning application that 'Park Lodge' is afforded specific built heritage protection as a 'Protected Structure' under Appendix 4 of the Development Plan (Note: RPS Ref. No. 43). It also adjoins a Protected Structure on its southern side (Note: 'Park House' RPS Ref. No. 49) and the site forms part of a

streetscape scene that extends in a linear manner on either side of Booterstown Avenue encompassing what are mainly a variety of architectural style period buildings that together are designated a Candidate Architectural Conservation Area under the Development Plan. This provides an additional layer of protection in terms of safeguarding the special architectural attributes of merit within this streetscape setting that contribute as a whole to what is a highly attractive and unique streetscape scene. Of further note, No. 36 the subject property is one of a semi-detached pair of originally matching in architectural design, built form through to building to space relationship properties. Therefore, the subject property and its setting is one that has to be considered as being highly sensitive and vulnerable to change despite forming part of an ever evolving but historic and of architectural quality city urbanscape.

- 7.1.7. The Development Plan by way of its various policies, objectives through to criteria provide a layer of protection so that Protected Structures within its accompanying RPS are protected from any works that would negatively impact upon their intrinsic special architectural character through to built integrity (Note: Policy AR1(ii)). Alongside this the Development Plan in terms of extensions to such structures require that where these are proposed these shall be considered where they are demonstrated to be appropriate in their scale, that they complement the main structure as well as they are designed to be appropriately subsidiary to the main structure (Note: Section 8.2.11.2(i)). In addition to this, Section 8.2.11.2(i) advocates that where extensions are proposed to Protected Structure these should be generally placed to the rear or less prominent elevations of these structures in order to lessen their visual impact.
- 7.1.8. Further guidance for developments that have the potential to affect Protected Structures are set out in some detail under the Section 28 Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- 7.1.9. These particular guidelines also deal with Architectural Conservation Areas.
- 7.1.10. The principle of demolition of non-original and building layers that are of no demonstrable architectural or other merit in order to facilitate an extension to an existing Protected Structure and its associated structures which of relevance in this case includes the coach house building as well as its semi-private domain through to roadside boundary treatment are a type of developments that due to their modest level of intervention on surviving historic built fabric, their inclusion of works that seek

to safeguard the Protected Structures integrity into the future through to the placement of the extension at a location where minimal impact on the Protected Structure would occur, subject to safeguards I consider is generally acceptable in this circumstance.

- 7.1.11. Further, though this application proposes to connect the extension to the main dwelling due to the current arrangement being one where the coach house and its existing rear extension is one that does not appear to benefit from any internal link, the quantum loss of built fabric would also be less than an extension to the rear elevation of the main dwelling house. With this internal link allowing for No. 36 and the main structures existing and proposed thereon to function as one dwelling unit.
- 7.1.12. In terms of the overall assessment of impact of the proposed development on the Protected Structure and its setting I raise a concern that the heritage impact assessment accompanying this application, though informative, it does not comply with the requirements of Appendix B of the Architectural Heritage Protection.
- 7.1.13. On this point I note that Policy AR2 of the Development Plan indicates that this is required to accompany such applications in order to allow proper assessment of the proposed works and encourage best practice alongside the use of skilled practitioners in the conservation of Protected Structures.
- 7.1.14. As such it is the case that this application in terms of the documentation submitted is deficient and therefore could be considered to be contrary to this Development Plan policy by way of failing to demonstrate compliance with the said policy.
- 7.1.15. Notwithstanding, the absence of this documentation, there is a heritage impact assessment of types accompanying the original application. I also note that the Council have the benefit from in-house qualified and skilled conservation experts who made comment on the initial application with their concerns forming part of the Planning Authority's further information request.
- 7.1.16. In addition to this the applicant's further information response was upon its receipt re-circulated for their comments prior to any decision being made by the Planning Authority. And I note at neither stage was the lack of an assessment that accorded with Appendix B of the aforementioned Guidelines raised as an issue of concern by them.
- 7.1.17. Having examined the documentation submitted with the original application and having regard to the minor revisions made by the applicant in order to address the Planning

Authority's further information response that this is not a fundamental flaw based on my considerations below. Particularly having regard to the fact that very limited works are proposed to the surviving built fabric of the Protected Structure with the main elements of change associated with the provision of limited internal linkage between the main dwelling and the newly extended coach house on its northern side.

- 7.1.18. In addition, they also include the subdivision of a first-floor room of the main dwelling house in order to create two-bedroom spaces; works that seek to safeguard and conserve the existing window openings, door openings alongside the roof.
- 7.1.19. These being integral built features of this Protected Structure, particularly as visible from within its visual curtilage.
- 7.1.20. With these works indicated to be carried out in a manner that would accord with the principles set out in the aforementioned guidelines, including by maintaining the chimney breast, allows for the reinstatement of the original room layout should Bedroom 3 and 4 no longer be required with future occupants wanting to reinstate this room to its historic configuration with potential for the installation of a fireplace.
- 7.1.21. Also, the careful upgrading of this historic dwelling to include mechanical and electrical services is proposed. These works could in my view lessen the potential for faulty electrical issues to arise in future which can cause loss of built fabric through to loss of historic buildings in worse case examples. In addition, mechanical ventilation can also allow for the removal of humidity which can be another issue in terms of safeguarding historic buildings that over time may have become due to later alterations and the like less breathable due to the use of modern building materials that can depending on the types of materials used result in decay of original built fabric by trapping moisture which can result in various deterioration by way of damp, mould, and the like.
- 7.1.22. In respect of the new insertion, I accept that the existing 40m² extension to the rear of the coach house building is of no particular architectural merit and having regard to the planning history it is evident that the coach house building was significantly altered as part of the grant of permission P.A. Ref. No. 187/91.
- 7.1.23. I also accept that the replacement two storey extension is considerably larger in terms of its overall height (Note: 20.7m); its volume (Note: 169m²); and it puts forward a design as well as a palette of materials that are quite legibly contemporary in their

nature, appearance through to use on its proposed exterior envelope. There is also a lightness in approach in terms of the level of glazing proposed. Particularly in terms of the glazed link between the main dwelling and the new extension; the large voids of glazing present in the rear elevation and also in its south eastern corner.

- 7.1.24. As such, if permitted, it would give rise to three distinctive building layers within the overall curtilage of No. 36 with the main dwelling house still being legible due to it being of a larger built volume, scale, and mass. The 2-storey extension proposed is placed behind the rear of the coach house building with the main northern elevation having a similarity in its width with this heightened by the lower glazed link in between. There would be a graduation in overall building heights with the main dwelling having a ridge height of 23.03m, the 2-storey extension according to the drawings submitted as revised would sit below the eaves with a given 20.03m height, and the coach house in height also steps down from these two distinct in architectural style, appearance, built form through to material finish with a height of 19.77m. Of further note the rear of the main dwelling also contains a rear projection that has a given height of 22.57m.
- 7.1.25. I consider that the design gives rise to a level of subservience as well as clear transitions between the distinctive building layers that are present and that give No. 36 its intrinsic special architectural character.
- 7.1.26. The new insertion is of its time and its success in my view is highly dependent on the quality and palette of materials that would be chosen for its external envelope together with the level of craft in the execution of the build. With this execution requiring appropriate sensitivity in terms of works that would directly affect the main dwelling and the coach house building. I consider appropriately skilled and qualified built heritage oversight would be required prior to and during construction phases of development so as to ensure works are carried out in accordance with best practice for such buildings.
- 7.1.27. In terms of visual impact on the streetscape scene and the semi-detached pair of Protected Structures it forms part of I consider that the set back of 2-storey extension from the rear elevation of the coach house together with the minor 900mm additional height of this structure in comparison to the ridge height of the coach house building and the contemporary light weight palette of materials that are proposed, subject to safeguards, would not be a highly visible or visually overt insertion into the candidate

Architectural Conservation Area streetscape scene it would form part of. A streetscape scene which I observed in the immediate vicinity includes contemporary insertions as well as additions to period structures. Further, to the south of No. 38 Booterstown Avenue (Park House), the adjacent site contains a modified period dwelling house and to the immediate south is 'Gleesons of Booterstown' which includes a contemporary extension adjoining its main structure. In addition, there also is a variety in the architectural periods and expressions to the north of the site which also includes different building to space relationships with the semi-private to public domain.

- 7.1.28. Against this context I am not convinced that the proposed two storey extension though visible above the ridge height of the coach house building and at an angle for those journeying in a southerly direction along Booterstown Avenue when appreciating the streetscape scene on the eastern side given the gap that would exist between it and No. 34 that any views of it would be localised and limited in their extent. As such the limited visibility of the 2-storey structure together with the presence of contemporary building solutions juxtaposed against historic buildings within the site's streetscape scene and this candidate Architectural Conservation Area could not be considered to give rise to any material visual amenity impact that would justify refusal of planning permission in this case.
- 7.1.29. In terms of the modifications to the roadside boundary and to the semi-private domain between the roadside boundary and the front building line of the main dwelling and the coach house. I consider that these changes would improve the *ad hoc* and poor-quality treatment of the northern portion of the roadside boundary to the front of No. 36. Alongside it would provide an opportunity to lessen the potential for conflict between vehicles and vulnerable road users. Particularly in the case of vehicles egressing from the vehicle entrance serving No. 36 onto the public domain of Booterstown Avenue with this public road accommodating at the time of my site inspection a steady flow of pedestrians as well as I observed a number of cyclists travelling along it.
- 7.1.30. Moreover, the Planning Authority deemed that the revised boundary treatment accords with Section 8.2.4.9 of the Development Plan by way of the reduction of the width of the vehicle entrance to a maximum of 3.5m and the setback of 1m from the pedestrian footpath edge resulted in an improved road safety situation that would lessen the

potential for conflict with vulnerable road users. I also note to the Board that running along the roadside kerb are double yellow lines. This also aids sightline views in both directions for vehicles accessing and egressing from the existing and proposed entrance.

- 7.1.31. As such these works would contribute to the improvement of the visual amenities of this candidate Architectural Conservation Area by way of a more qualitative boundary treatment but crucially it would result in road safety improvements for road users in the vicinity of No. 36.
- 7.1.32. Whilst I consider that further lightness of architectural touch could have been achieved in the proposed two storey extensions design resolution, solid to void relationship through to palette of materials, finishes and treatments for the proposed extension, including the glazed link could have been one with greater visual presence in its own right to achieve a more meaningful light weight connection between the main dwelling and the proposed extension. Alongside a more distinctive level of subservience could have been achieved by a lower in overall building height of the proposed two storey extension so that a clearer distinction of graduation occurred between the eave's height of the main dwelling and the overall height of the flat roofed proposed extension. Further, the design rational of including a circular window in what is an overall an angular contemporary design response where the only similar windows in proximity are on the other side of the coach house, i.e., the coach house's principal façade, seems visually contradictory to both the aesthetics of the historic rear main elevation of No. 36 and the new building layer proposed.
- 7.1.33. Outside of these concerns and together with the considerations set out above, subject to appropriate safeguards for this built heritage sensitive site and setting, I concur with the Planning Authority, that the proposed development would not result in any significant adverse diminishment of the built integrity and special intrinsic character of this Protected Structure and its setting. With this setting including No. 38 'Park House', a Protected Structure and being part of a candidate Architectural Conservation Area.
- 7.1.34. Further, any level of diminishment would arguably be offset by the visual improvements to the roadside boundary, the semi-private domain treatment that together with the external and internal integration of the main dwelling house, the

coach house and the new extension would functionally and visually re-establish the historic function of No. 36 as one, albeit substantial, residential dwelling unit.

- 7.1.35. Moreover, subject to appropriate safeguards and the works being carried out in accordance with best practice for built heritage sensitive structures and setting like this, the visual appreciation of the subject Protected Structure and its safeguarding into the future would be contributed to by the proposed works to its exterior envelope.
- 7.1.36. Accordingly, based on the above considerations I am of the view that there are no substantive matters which would justify a refusal of permission based on any adverse built heritage impact outcome.

7.2. Residential Amenity Impact

- 7.2.1. The appellants in their grounds of appeal raise concerns that the proposed development would give rise to adverse residential amenity impacts on their property which adjoins the appeal site on its main northern boundary, by way of undue overlooking, overshadowing and visual overbearance.
- 7.2.2. Given the land use zoning objective of the site and its setting as already referred to above. With this seeking to protect and/or improve residential amenities. Together with the proposed development physical and visual juxtaposition to the properties in its vicinity, with these properties being quite evidentially having established and mature residential amenities. It is appropriate in my view that cognisance should be had to protect such amenities from developments that would result in adverse and material diminishment.
- 7.2.3. Also, given the site context and the proximity of the appellants property to what are the main components of the proposed development sought under this application, i.e., the demolition of the existing 2-storey extension that dates to c1990s and has a given 40m² floor area. And its replacement with a more sizeable above basement 2-storey extension with a given floor area of c169m². Together with the proximity of the appellants property, in particular their dwelling house to the northern portion of the appeal site where the proposed works associated with the provision of the two-storey extension are to be carried out. I do not consider the appellants concerns unreasonable in this context.
- 7.2.4. I also concur with them that the proposed development would give rise to a changed context for them.

- 7.2.5. Notwithstanding, I consider that it is not uncommon for extensions in such urban areas to occur in spaces between two properties and in this context the location where the extension is proposed, as discussed, would result in less potential for adverse impact to arise to the built integrity and visual attributes of the No. 36 as a Protected Structure whilst accommodating the residential needs of the occupants who seek to integrate the main dwelling in a more coherent manner into the main dwelling alongside provide additional habitable floor area.
- 7.2.6. In this regard the proposed extension has a setback northern elevation from the coach house and the treatment of the northern elevation has been redesigned to ensure that no actual overlooking would arise. The presence of voids, however, irrespective of the use of louvres and the use of opaque glazing whilst these proposed measures would in my view effectively mitigating against direct and actual overlooking from the proposed raised ground floor level and first floor level, they do not and cannot address perceived levels of overlooking that would arise from the northern elevation.
- 7.2.7. In urban contexts like this it is not uncommon that new built insertions could give rise to additional overlooking over and above the existing context, as well as to a level that it may be considered would be material and detrimental to the residential amenities of the affected property, I am not satisfied that this would be the case in this situation, subject to the northern elevation windows being maintained in the manner shown in the revised drawings and also having regard to the mitigation measures proposed through to the limited height and width of the three windows that are of issue to the appellants.
- 7.2.8. That is to say with the two modest in height and width first floor windows which serve a proposed en-suite, which are proposed to be fitted with permanent opaque glazing and the raised ground floor level window serving the kitchen area is also of a modest height and width with angled timber louvres proposed to block direct overlooking of the appellants property.
- 7.2.9. These three modest windows in my view add needed lightness and adds detail to what would otherwise be a monotonous in appearance elevational treatment for the main northern elevation of the proposed extension.

- 7.2.10. At ground floor level there is an existing tall boundary wall between No. 34 and No. 36 that effectively blocks as well as screens views from the lower ground floor level of the extension proposed, and vice versa.
- 7.2.11. Further having regard to the positioning of the appellants property relative to the remainder of the proposed extension it is not possible for the proposed extension to give rise to any other form of overlooking that would have the potential to give rise to diminishment of the residential amenities of the appellants adjoining property.
- 7.2.12. In terms of visual overbearance the proposed extension I acknowledge is a more sizeable in height, built form, mass and scale built insertion when compared to the existing rear extension for which demolition is proposed.
- 7.2.13. Notwithstanding, the side building line of the extension is setback from the northern elevation of the coach house, and it is also setback also from the northern boundary with this boundary at this location having an angled westerly to easterly direction. At its closest point, the proposed extension has a setback of c5.5m from the site's inner side of the boundary wall between it and No. 34. At its furthest this measurement increases to c7m with there also being an existing single storey outbuilding located alongside the boundary wall at this point.
- 7.2.14. On the opposite side of the boundary wall No. 34 is served by a driveway with the main dwelling house of No. 34 addressing a sizeable courtyard type garden on its northern side. The boundary wall between the properties is significant in its height with it exceeding 2.5m in its height and appears to be comprised of parts of the original historic stone wall in places.
- 7.2.15. The driveway/passageway that runs along the northern elevation of No. 34 appears to have a slight variable width with it being reduced to c4m in proximity of Booterstown Avenue to where it increases alongside the north eastern corner of the appellants dwelling house. It appears that for there is a projection circa midway along the northern elevation of the appellants dwelling that narrows the width of the passageway to just over 2m for a 3m stretch. This projection has an easternmost side elevation that is slightly forward of the coach house's rear elevation that is to be maintained. At its nearest angled point there is c8m between the appellants property and the northern elevation of the proposed two storey extension with this increasing to over 12m at the north eastern most corner of the proposed extension.

- 7.2.16. A light-coloured palette of materials is also proposed for the external elevational treatments with this including but not limited to light coloured clay bricks with buff coloured mortar pointing and zinc roof over. In addition, as said previously the presence of windows at raised ground floor and first floor add further lightness to the proposed extension as it would be appreciated from the appellants property.
- 7.2.17. Taking these factors into account, in particular, the lateral separation distance between the appellants property and the northern elevation of the proposed two storey extension I consider that the proposed extension would not give rise to a detrimental visual amenity impact by way of visual overbearance or otherwise, despite the height of the extension being over 20m, a height which is lower than the main dwelling house at No. 36 and the proposed extension still maintains ample lateral separation distance between its northern elevation, the shared boundary and the appellants residence.
- 7.2.18. On the matter of overshadowing, I concur with the Planning Authority in that the proposed development, as revised, would not give rise to a significant material diminishment of residential amenity by way overshadowing and/or reduced daylighting, due to the orientation of the proposed structure, the separation distance, the topography, and the like. This I consider is the case in terms of the driveway and the appellants property which are already significantly overshadowed by the existing tall solid boundary that exists and the separation distance between it and the southern elevation of their property.
- 7.2.19. Also, there would be no diminishment of their primary and substantive private amenity space that lies to the north of their property by way of overshadowing and/or diminishment of daylighting which I note that the BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st.
- 7.2.20. The appellants have not submitted any documentation considering this issue, in the form of a shadow analysis and/or other forms of commentary that would discount the shadow analysis that has been carried out by applicant as part of their further information response. With this analysis I note having been carried out in accordance with industry standards, industry standard software and regard to according to guidance on this matter. The submitted analysis plots the sun path in order to identify the extent of potential overshadowing of the existing gardens associated neighbouring

properties, including the appellants adjoining property to the north of the site. This analysis concluded that there will be no material impact on the appellants dwellings to the north and a very limited impact on its site setting.

- 7.2.21. I have considered all the documentation on file and available on such matters alongside having regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting), BRE 209 – Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011). In addition to reference to same in the section 28 Ministerial Guidelines on Urban Development and Building Heights, 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this updated UK guidance does not have a material bearing on the outcome of this assessment and that the more relevant guidance documents remain those referenced in the aforementioned Ministerial Guidelines. In addition to the relevance of the land use zoning of the site which seeks to protect residential amenities alongside Section 8.2 of the Development Plan which sets out development standards for this type of development in this context. With Section 8.2.3.1 requiring cognisance to be had to the relationship of buildings to one another including but not limited to sunlight/daylighting standards.
- 7.2.22. In this site context I am satisfied that the proposed development would not give rise to a level of overshadowing or loss of daylighting that could reasonably be considered would seriously injure the established residential amenities of any properties in its vicinity, including the appellants property to the north.
- 7.2.23. In conclusion, based on the above considerations I am not convinced that the proposed development, if permitted, as per the revised proposal submitted to the Planning Authority, would seriously injure, or diminish the residential amenities of the appellants property or any other properties in its vicinity by way of undue overlooking, overshadowing, visual overbearance or other substantive nuisance.
- 7.2.24. Accordingly, I do not consider that the Board should overturn the Planning Authority’s decision based on the residential and visual amenity impacts raised by the appellant in their grounds of appeal.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature, scale and extent of the proposed development, the availability and capacity of public services, the nature of the receiving environment, and the lateral separation distance between the subject lands to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission be **granted**.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2016 to 2022, and the zoning of the site and its setting for residential purposes, alongside the provisions of the 'Architectural Heritage Protection - Guidelines for Planning Authorities (2011)', to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that permission be granted for the proposed development subject to conditions set out below.

10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of October 2020, 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.

2. The roof and external wall finishes shall of the proposed extension shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. In this regard, the roof over the proposed extension shall not exceed the eaves height of the main house and shall not exceed the ridge height of the adjoining coach house building by more than 900mm.

Reason: In the interests of architectural harmony and visual amenity.

3. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Only structures indicated for demolition on the plans lodged with this application shall be removed.

Reason: In the interests of the proper planning and sustainable development of the area.

5. The external finishes of the proposed works to the main dwelling (including its window openings, door openings, roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. It is advised that repair rather than replace, minimal intervention and reversibility of intervention should guide all works to the main dwelling and any surviving built fabric of merit in the coach house building.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice as well as in the interest of visual amenity and contribution

to the Candidate Architectural Conservation Area this Protected Structure forms part of.

6. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

8. Insert Condition No. 5 of the P.A.s notification to grant planning permission.

9. Insert Condition No. 6 of the P.A.'s notification to grant planning permission.

10. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be

generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0800] to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. Insert Condition No. 7 of the P.A.'s notification to grant planning permission.

14. Insert Condition No. 8 of the P.A.'s notification to grant planning permission.

15. Insert Condition No. 9 of the P.A.'s notification to grant planning permission.

Advisory Note: Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that: *"a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development"*.

Patricia-Marie Young
Planning Inspector

20th day of June, 2021.