



An
Bord
Pleanála

Inspector's Report

ABP-309086-21

Development	PROTECTED STRUCTURE: Relocation of rooflight, construction of two dormer windows and conversion of the rear attic for use as a home office.
Location	2, Prince Arthur Terrace, Rathmines, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3521/20
Applicant(s)	Alexandra Jefferson
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Alexandra Jefferson
Observer(s)	None
Date of Site Inspection	27 th February 2021
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 298 sqm and relates to a mid-terrace dwelling on similarly designed dwellings located on the western side of Prince Arthur Terrace. No 2 Prince Arthur Terrace is a Protected Structure (RPS Ref. No. 6853) is a two storey over lower ground level Georgian dwelling with a valley roof behind the front parapet. The site is located within a predominantly residential area, to the west of the urban village of Rathmines. The front elevations of Prince Arthur Terrace in scale and design and are largely unaltered.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file and in particular the Conservation Report accompanying the planning application. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for the relocation of an existing rooflight, insertion of a new dormer window to the front slope of the rear roof facing into the internal roof valley, a new dormer window to the rear slope of the rear roof facing toward the rear garden, conversion of the rear attic for use as a home office / study and new internal staircase providing access from 1st floor landing up to the proposed new dormer attic study at 2, Prince Arthur Terrace (Protected Structure).
- 2.2. Development details are as follows:
 - Zinc clad dormer roof extension to rear roof slope
 - Space to be used as a study, with an area of 13sqm and head height of 1.8m
 - Glazing to front and rear, to match existing
 - Roof ridge retained
 - Existing rooflight relocated within rear roof area
 - New stairs internally
 - Existing front ridge level of 109.355m; rear ridge level of 109.532m; and dormer roof level of c. 109.45m

2.3. The planning application was accompanied by a Conservation Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to refuse permission for a single reason relation to impact to the protected structure for the following reason:

Due to their bulk, massing, form and position, the proposed roof dormer extensions would be harmful to the legibility of the historic roofscape and consequently to the special interest of the protected structure and to the setting of the wider terrace of protected structures. Therefore, the proposal would contravene Policy 11.1.5.3 (CHC2) (a), (b) and (d) of the Dublin City Council Development Plan 2016-2022, would seriously injure the amenities of the area, would set a harmful precedent for similar proposals and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner**, having particular regard to the report of the Conservation Officer recommended that planning permission be refused. The notification of decision to refuse permission issued by Dublin City Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Division** - No objection subject to conditions.
- **Conservation** – The report refers to Policy 11.1.5.3 (CHC2) and raises serious concerns about the current that the proposal to introduce a new dormer window as proposed to the rear roof of the Protected Structure is overbearing, and would cause serious injury to the special architectural character of the Protected Structure as well as the legibility of the rear of the historic terrace, which has effectively remained unaltered since its construction. Concern is also raised in terms of the viability of the introduction of a new flat roofed structure between the pitches of this

historic building. Stated that the proposal would contravene Policy 11.1.5.3 (CHC2) (a), (b) and (d) of the Dublin City Council Development Plan 2016-2022. Refusal was recommended.

3.3. **Prescribed Bodies**

3.4. None

3.5. **Third Party Observations**

- 3.5.1. There is one observation recorded on the appeal file from Philip O'Reilly, No 18 Grosvenor Place, Rathmines. The issues raised relate to the impact on the setting and character of a protected structure, the introduction of a serious adverse intervention, the significant loss of historical context and substandard nature of the development.

4.0 **Planning History**

- 4.1.1. **Reg Ref 1859/07** – Dublin City Council **granted permission** for the assimilation of a self-contained basement flat into main house for use as a single dwelling house, new rooflight within valley roof, new en-suite bathroom at first floor level, insertion of new windows in return structure lowering basement floor level in the return and rear of house, alteration of basement to provide open plan kitchen and family living room, insertion of new double doors at rear basement level, new bathroom at basement level, insertion of timber sliding sash windows to all former and new window openings, reduced level of ground to rear garden and repositioning of retaining walls, demolition of outhouses, repair and reinstatement of front entrance steps and related internal alterations subject to 6 no conditions.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The operative plan for the area is the **Dublin City Council Development Plan 2016-2022**. The site is zoned **Z2 'Residential Neighbourhoods (Conservation Areas)**,

where the objective is 'to protect and/or improve the amenities of residential conservation areas'. Policies relevant to the appeal are set as follows:

CHC2: *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:*

(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development comprising a residential extension in a serviced urban area 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. The first party appeal against the decision to refuse has been prepared and submitted by M Architecture on behalf of the first party and may be summarised as follows:

- In 2007 following a successful planning application (Reg Ref 1859/07) carried out an extensive renovation and restoration works to the original house.

- In 2019 between October and December the applicant made multiple attempts to engage with the Council with pre planning submissions, but no response was received. In 2020 the applicant applied for permission for 2 no dormers, one front facing and one rear facing, to the rear, to the rear roof of the house. the application was subsequently refused permission.
- Having regard to the Planners report and the Conservation Officers Report it is clear that the planner effectively deferred their judgement to the opinion of the Conservation Officer.
- The Conservation Officer raised 3 main concerns in their assessment as follows:
 - 1) **New dormer to the rear slope is overbearing** - The rear elevation of the terrace is not uniform and in fact each and every return is different, however the points raised by the Conservation Officer are acknowledged regarding the rear facing dormer to the rear slope. This would be visible from the rear garden and in response to this point the applicant has submitted revised drawings as part of this appeal which show this dormer omitted. A revised set of drawings is attached outlining an amended scheme which would omit the provision of the rear facing dormer. The revised proposal would satisfy the requirements of Policy 11.1.5.3
 - 2) **Shared lead lined valley the double roof pitches** - The block of 6 houses along the terrace are divided into 2 sets of 3 houses for drainage. 2 Prince Arthur Terrace is the middle house within the drainage configuration and as such drains to both sides. This means that the internal drainage valley of No 2 is the “high” point as it drains to each end (i.e., to 3 and 1). So no matter what, the works will not impact on the other two houses as they both drain away from No 2. An internal dormer will not interfere with this drainage valley and would in fact facilitate any access should maintenance need to be done.
 - 3) **Legibility of the historic roofscape** - Submitted that the Conservation Report submitted with the application noted that the roof structure to the rear of the main roof has been heavily modified and altered and can no longer be considered to be the “original historic roof structure”. The applicant is not proposing to omit the rear facing dormer which will leave the visual appearance of the terrace from the rear completely unaltered.

- 6.1.2. Submitted that rather than simply refuse the planning application, the Planner Department should have issued a “request for further information” where the concerns of the Conservation Officer would have been presented and an opportunity could have been presented to the appellant to make revision to the proposed development to alleviate the concerns raised.
- 6.1.3. Requested that An Bord Pleanála consider the revised design submitted and consider that possibility to grant permission for the proposed development with the rear facing dormer omitted.

6.2. **Planning Authority Response**

- 6.2.1. None

6.3. **Observations**

- 6.3.1. None

6.4. **Further Responses**

- 6.4.1. None

7.0 **Assessment**

- 7.1. This assessment is based on the plans and particulars submitted to Dublin City Council on 8th October 2020 as amended by further plans and particulars submitted with the first party appeal to An Bord Pleanála on 6th January 2021.
- 7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:
- Principle
 - Impact to Protected Structure
 - Appropriate Assessment

7.3. Principle

- 7.3.1. The appeal site, No 2 Prince Arthur Terrace, is a Protected Structure and is wholly contained within an area zoned Z2 'Residential Neighbourhoods (Conservation Areas)', where the objective is 'to protect and/or improve the amenities of residential conservation areas' and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. Accordingly, I am satisfied that the principle of the development proposed is acceptable subject to the acceptance or otherwise of site specifics / other policies particularly in relation to the impact of the scheme on the character of the protected status of the building. This matter is discussed further below.

7.4. Impact to Protected Structure

- 7.4.1. Dublin City Council issued a notification of decision to refuse permission for a single reason stating that due to their bulk, massing, form and position, the proposed roof dormer extensions would be harmful to the legibility of the historic roofscape and the special interest of the protected structure and to the setting of the wider terrace of protected structures and would contravene Policy 11.1.5.3 (CHC2) (a), (b) and (d) of the Dublin City Council Development Plan 2016-2022.
- 7.4.2. The application submitted to Dublin City Council on 8th October 2020 sought permission for the insertion of a large dormer window to the front slope of the rear roof facing into the internal roof valley and a new large dormer window to the rear slope of the rear roof facing toward the rear garden in order to facilitate the conversion of the rear attic for use as a home office / study. Works to facilitate this development require the provision of a new internal staircase allowing access from the first floor landing up to the proposed new dormer attic study.
- 7.4.3. I refer to the plans and particulars submitted with the application together with the Conservation Report and have no objection to the proposed internal works required to serve the proposed attic conversion. However, I share the concerns raised by the DCC Conservation Officer that the proposal to introduce a new large dormer window to the rear roof of this Protected Structure would be overbearing and would cause serious injury to the special architectural character of the Protected Structure as well as the legibility of the rear of the historic terrace, which has effectively remained

unaltered since its construction. I further agree that the bulk and massing, form and siting of the rear dormer window does not relate sensitively to the scale, proportions, design, period and architectural detail of the original building, and by way of its design, form, proportions and siting, would cause serious harm to the setting of the Protected Structure.

7.4.4. To this end I support the decision of the Planning Authority to refuse permission based on the original plans and particulars submitted. However, the first party in their appeal submission of 6th January 2021 submitted amended plans removing the rear dormer window thus removing the issue of visible change in appearance to the building or the terrace as a whole. I am satisfied that the proposed remaining dormer facing onto the internal valley will not detract from the “historic roofscape” and will no longer have any visual impact on the existing terrace as it will not be visible from either the front or rear of the terrace and that to permit same would not contravene Policy 11.1.5.3 (CHC2) (a), (b) and (d) of the Dublin City Council Development Plan 2016-2022. It is therefore recommended that the reason for refusal be set aside.

7.4.5. The concerns raised by the Conservation Officer in relation to ensuring that access to the lead-lined valley between the double-roof pitches that is shared by all buildings along this historic terrace is maintained for maintenance purposes is noted. I refer to the response of the first party where it is stated that the block of 6 houses along this terrace are divided into 2 sets of 3 houses for drainage. As the appeal site is the middle house within the drainage configuration it drains to both sides. This means that the internal drainage valley of No 2 is the “high” point as it drains to each end (i.e., to 3 and 1) and therefore the works will not impact on the other two house as they both drain away from No 2. In the interest of clarity, it is recommended that a condition requiring that a suitably qualified conservation expert be engaged throughout the works to ensure these works are completed accordingly is attached.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the site's location in an established suburban area on lands with a zoning objective for residential development; the policies and objectives in the Dublin City Development Plan 2016 to 2022; to the nature, scale and design of the proposed development as amended, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the condition set out below, the proposed development, would respect the character of the protected structure, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by An Bord Pleanála on the 6 th January 2021, 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.	a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted

	<p>works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.</p> <p>b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.</p> <p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric</p>
3.	<p>All external finishes shall harmonise with the existing finishes of the house in respect of materials and colour</p> <p>Reason: In order to protect the character and integrity of these important protected structures</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

5.	<p>The applicant shall comply with any requirements of the Dublin City Council Drainage Division:</p> <p>a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).</p> <p>b) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains shall not pass through property they do not serve.</p> <p>Reason: In the interests of the proper planning and development of the area.</p>
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Mary Crowley

Senior Planning Inspector

19th March 2020