



An
Bord
Pleanála

Inspector's Report

ABP-309602-21

Development	PROTECTED STRUCTURE: Retention for single storey service room, change of window position and alteration to proposed roof in extension.
Location	10, Mountpleasant Square, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3916/20
Applicant(s)	Edenvale McHugh Ltd Partnership
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael & Nessa Boyle
Date of Site Inspection	04 th June 2021
Inspector	Colin McBride

1.0 **Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.0171 hectares, is located on the northern side of Mountpleasant Square and is occupied by a three-storey over basement terraced dwelling dating from the early 19th century. The adjoining dwellings to the east and west are similar in design (no. 11 to the west is three-storeys and no. 9 to the east is two-storeys) and the dwellings around the Square including that on the appeal site are protected structures. To the rear/north of the site is a two-storey mews dwelling fronting onto Prices Place.

2.0 **Proposed Development**

- 2.1. Permission for retention of single-storey service room to rear, change of window position and alteration to proposed rood in existing single-storey extension. Proposed new fibreglass roof finish on existing basement entrance and new bin storage platform to front.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission granted subject to 7 conditions. The conditions are standard in nature.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Report (10/02/21): The development was considered to be satisfactory in the context of the character and setting of protected structure on site and in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Conservation Officer (05/02/21): Refusal is recommended on the basis that the single-storey structure is not of sufficient standard and would be injurious to the setting and character of a protected structure. The design and materials used for bin

platform and canopy would impact adversely on the setting and character of the protected structure.

Drainage Division (20/02/21): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Michael & Nessa Boyle, 9 Mountpleasant Square, Ranelagh, Dublin 6.

- The issues raised include impact on the character and setting of the protected structure, impact on the curtilage and level of amenity space retained.

4.0 Planning History

4.1 3314/19: permission granted refurbishment of existing dwelling including extension to the rear.

On other sites

4.2 PL29S.244689: Permission refused for alterations and additions to a dwelling at 51 Mountpleasant Square (protected structure). Refused based on two reasons...

1. The proposed works to the protected structure would alter the character of the protected structure, and would impair the legibility of the protected structure by significantly altering the character of the two principal rooms located at the entrance level. The proposed development would therefore materially and detrimentally affect a protected structure and would not be in compliance with proper planning and sustainable development.

2. The poor quality of the open space provision which would result as a consequence of the proposal, would cause serious injury to the residential amenity of the dwelling as well as having a negative impact on the setting of a protected

structure. The proposal would therefore not be in accordance with the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The policy chapters, especially Chapters 11 – Built Heritage and Culture, and 16 – Development Standards, detailing the policies and objectives for residential conservation areas and standards respectively, should be consulted. Volume 4 of this plan contains the record of protected structures.

Policy 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.

(c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(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.

(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works.

(f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

Policy 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.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Michael & Nessa Boyle, 9 Mountpleasant Square, Ranelagh, Dublin 6.

- The appellants note that the Conservation Officer recommended refusal of the proposed development on the basis of failure to have adequate regard to the setting and character of an existing protected structure.
- The appellant considers that the decision fails to pay adequate regard to the curtilage of a protected structure and the impact of the single-storey structure on the existing amenity space which is greatly reduced. The appellant refers to a decision under PL26S.244689 at no. 51 in which a development within the curtilage was injurious to residential amenity.

6.2. Applicant Response

6.2.1 Response by Simon Clear & Associates on behalf of the applicant, Edenvale McHugh Ltd Partnership.

- The works carried out to the property are for the purpose of preserving and improving the existing protected structure which was in a dilapidated state. The works proposed and subject to retention have adequate regard to the setting and status of the protected structure and residential conservation area.
- The bin storage structure provides a better alternative to lack of existing storage facilities and there are existing storage structures to the front of existing dwellings along the Square. The proposal would have no significant impact on the front elevation or setting of the protected structure.
- The canopy proposed is a similar resolution provided at other dwellings on the Square.

- The single-storey structure to the rear house services and is modest in scale with larger structure located in the rear gardens of other dwellings located on adjoining sites.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

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

Design, scale, architectural heritage

7.2. Design, scale, architectural heritage:

7.2.1 The development has four aspects including retention of a single-storey service room to the rear, retention of a change of window position and alteration of the proposed roof on a single-storey extension to the rear, permission for a new fibreglass roof finish on existing basement entrance and a new bin storage platform to the front. The appellant raises concern regarding the impact of the development on the character of the protected structure and its alteration of the curtilage of such. The appellant also notes that the Conservation Officer had issue regarding overall quality of the development proposed.

7.2.2 In relation to retention of alterations of the roof profile of the rear extension and the relocation of a widow on the rear elevation of such, the rear extension is modest in scale relative to the existing structure and both the amended roof profile and window location are minor changes that do not have a significant impact on the character and setting of the protected structure. These elements are modest in scale relative to the existing protected structure, are not highly visible in the surrounding area and not visible at all from the public area. The design of such is acceptable in the context of the character and integrity of the protected structure.

7.2.3 The appellant raises concern regarding the design of the single-storey service building and its impact on the curtilage of the protected structure and the level of amenity space retained with such. Development within the curtilage of protected structure have potential to impact on the character and setting of such and the curtilage of such is an important consideration. In this case it is clear that the curtilage of the protected structure on site and adjoining sites has been significantly altered from their original scale with mews development provided to the rear of the existing dwellings and fronting Prices Place. In the case of the dwelling on site the majority of the rear curtilage is now part of the site associated with a separate mews dwelling and a smaller yard area is retained with the existing dwelling. The proposed single-storey service building does reduce the area of the rear amenity space, I would however consider that such would not be to unacceptable degree.

7.2.4 The overall scale and design of the structure is quite simple in nature and is modest in scale so as to be subordinate to the existing dwelling on site. As with the extension, the service building would not be highly visible in the surrounding area and is not visible from public areas. I am of the view that the design and scale of the service building is such that it would not be detrimental to the visual amenities of the area or the character and setting of the protected structure.

7.2.5 The proposal also entails a change to the canopy covering the entrance to the basement from a sand-cement roof to a dark coloured fibreglass. This change is modest in nature and does not alter the visual character of the existing structure. In the case of the bin storage platform, this structure is also modest in scale, is similar to other structures on adjoining site and does perform the function of ensuring orderly bin storage, which would be a welcome aspect along the front of the dwellings on Mountpleasant Square due to its conservation status. I would also note that this feature in addition all the other aspects of the proposal are reversible at a later stage.

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 design, scale and configuration of the proposed development and the existing pattern of development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with current Dublin City development plan policy, would not detract from the visual amenities of the area or the character and setting of the protected structure on site, the adjoining protected structures, and would be acceptable in the context of the amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed 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.

2. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011.

Reason: To ensure that the integrity of the adjacent protected structure is maintained and that all works are carried out in accordance with best conservation practice.

3. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

Colin McBride
Planning Inspector

08th June 2021