



An
Bord
Pleanála

Inspector's Report

ABP-310108-21

Development

Demolition of single storey rear extension, portions of rear wall and shed; construction of a single storey rear/side extension, skylights to the rear and side, external wall insulation to house.

Location

No. 4, Casino Road, Marino, Dublin 3.

Planning Authority

Dublin City Council North.

Planning Authority Reg. Ref.

WEB1110/21.

Applicant(s)

Barbara Ward.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

First Party – Vs- Condition No. 7.

Appellant

Barbara Ward.

Observer(s)

None.

Date of Site Inspection

4th day of June, 2021, & the 5th day of November, 2021.

Inspector

Patricia-Marie Young.

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority Decision	4
4.1. Decision	4
4.2. Planning Authority Reports	5
4.3. Prescribed Bodies	5
4.4. Third Party Observations	5
5.0 Planning History.....	6
6.0 Policy & Context	6
6.1. Development Plan.....	6
6.2. Natural Heritage Designations	6
6.3. EIA Screening	7
7.0 The Appeal	7
7.1. Grounds of Appeal	7
7.2. Planning Authority Response	8
8.0 Assessment.....	8
9.0 Appropriate Assessment.....	12
10.0 Recommendation	12
11.0 Reasons and Considerations	12

1.0 Introduction

- 1.1. This appeal case relates to a First Party Appeal against Condition No. 7 of Dublin City Council's notification to grant permission for the development set out under Section 3 of my report below, at No. 4 Casino Road, Marino, Dublin 3. By way of this appeal the First Party seeks that these are omitted from the notification to grant permission.

2.0 Site Location and Description

- 2.1. No. 4 Casino Road, the appeal site, has a given 128m² site area and it is situated c37.9m to the west of Brian Avenue and c135m to the east of Croydon Park Avenue, in the Dublin city suburb of Marino, which lies c4km to the northeast of the heart of Dublin City.
- 2.2. The site contains a 2-storey end of terrace pebble dashed and painted over dwelling house with a modest single storey rear extension whose footprint sits on higher finished floor levels to that of roadside carriageway of Casino Road. Its principal entrance is reached via a pedestrian gate that opens onto a series of step that are flanked by soft landscaping on either side. The main roadside boundary treatments consist of painted metal railings and gates on plinths.
- 2.3. To the side of this irregular shaped residential plot in the front garden area there is a hard surfaced off-street car parking space. The ground levels are lower at this point to facilitate off-street vehicular access.
- 2.4. To the immediate north of this space there is a tall boundary wall that contains a solid timber pedestrian gate. This boundary is setback from the front building line and behind which there is a single storey shed and another area of hard surfacing which covers the remaining side and rear garden area.
- 2.5. The area directly behind of the rear elevation is covered over by a mono-pitched canopy type structure. Its roof structure over attaches to a tall rear boundary wall. The rear and side rear boundaries adjoin No.s 52 and 54 Brian Avenue as well as No. 2 Casino Park. Altogether the rear and side rear garden space is modest in its size, is significantly overshadowed and overlooked.
- 2.6. Casino Road forms part of the overall Marino (now inner) suburban housing development which can be dated back to the 1920s/1930s, and it is notable as one of

the first examples of an affordable housing project in the State. The layout for the housing at Marino was influenced by the Garden City Movement in urban planning. It therefore has a mature residential character.

3.0 Proposed Development

3.1. By way of this application planning permission is sought for a development consisting of:

- Demolition of the existing single storey rear extension; sections of the rear wall and existing shed structure (Note: 14.4m²);
- Construction of a single storey rear/side extension;
- Provision of skylights to the rear and side;
- External wall insulation to existing house; and,
- All associated site works and services.

3.2. According to the accompanying planning application form the floor area to be retained within the site is 79m²; the floor area of new buildings proposed within the development south is 16m²; and, the cumulative floor area resulting is 95m². Thus, the resulting plot ratio would be 0.74 and the site coverage would be 44%.

3.3. The site benefits from existing connections to the public mains drainage and water supply.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Planning Authority decided to **grant** planning permission subject to 9 generally standard in nature conditions for the type of development sought. Of relevance to this appeal is the requirements of Condition No. 7 which reads:

“The external insulation to the front and side walls shall be omitted in its entirety”.

The stated reason for this condition is given as follows: *“the dwelling is located in an important Z2-zoned residential conservation area, one of whose critical elements is the appearance and finishes of individual houses and terraces. The proposed render*

finish to the cladding would replace the original façade finishes which would have an unacceptable impact on the appearance of the streetscape through the loss of original finishes.”

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority’s decision. On the matter of the external wall insulation which is of relevance to this appeal case this report includes the following comments:

- The Planning Authority is supportive of efforts which seek to improve the energy efficiency of dwellings of property located within residential conservation areas. Notwithstanding, one of the critical elements of these dwellings are their appearance and their place within the wider streetscape.
- Even if the external claddings render matches that of the existing house, it would be the case that this finish is no longer original, and it would not contribute to the streetscape character of this road but would be a pastiche of the original.
- If approved, it has the potential to establish an undesirable precedent and would diminish the integrity as well as character of this conservation area.
- It is acknowledged that there are examples of alterations to the finishes and treatments of dwellings in this area. Notwithstanding this dwelling’s existing and side elevations should be left intact with only external cladding provided to the rear and the front and side elevations could be internally dry lined to provide insulation.

4.2.2. Other Technical Reports

Engineering: No objection subject to standard safeguards.

4.3. Prescribed Bodies

4.3.1. None.

4.4. Third Party Observations

4.4.1. None.

5.0 Planning History

5.1. Site:

5.1.1. None.

5.2. Setting:

5.2.1. **ABPPL29N.246847 (P.A. Ref. No. 2704/16):** On appeal to the Board that related to Condition No. 3 of the Planning Authority's notification to grant planning permission for a development consisting of the upgrading works to existing house to include internal alterations, new two-storey extension to side set-back from existing front elevation, new single storey extension to side and rear, new vehicular entrance including double gates, three number rooflights, SUDS drainage and all associated ancillary works to facilitate the development, all at 3 Casino Road, Marino, Dublin, the Board decided to remove Condition No. 3. I note that Condition No. 3 related to the setback of the side extension from the existing front elevation.

5.2.2. I can find no Board precedents for external wall insulation in the visual curtilage or wider setting.

6.0 Policy & Context

6.1. Development Plan

6.1.1. This appeal site is situated in an area that is identified in the Dublin City Development Plan, 2016 to 2022, as being subject to the 'Z2' land-use zoning objective. The stated objective for such land is: "*to protect and/or improve the amenities of residential conservation areas*". The general objective for these lands 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.

6.2. Natural Heritage Designations

6.2.1. The site does not form part of; it does not adjoin; nor, is its situated within the immediate setting of a European Site. The nearest such site, i.e., the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) is located c0.4km as the bird would fly to the south.

6.3. EIA Screening

6.3.1. Having regard to the development on site, the nature and scale of the proposed development and the location of the site, the significant development that lies between the subject site and the nearest European Site together with this inner-city suburb benefitting from public mains water and drainage services and the site subject of this appeal having connections to the same, there are no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.4. Built Heritage

6.4.1. As per the applicable Development Plan the site forms part of a larger zoned residential conservation area 'Z2'.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of this 1st Party Appeal can be summarised as follows:

- This appeal relates to the requirements set out under Condition No. 7 of the Planning Authority's notification to grant permission only.
- This condition does not allow for any input from the applicant to make any amendments to address its requirements.
- The application of this condition impacts on the existing stairs to make it unworkable due to this dwelling being an end-of-terrace with its stairs running along the end gable wall it is not possible to apply internal wall insulation to this wall without making the already narrow stairs narrower.
- This house is cold and in need of modernisation. The purpose of this application is to create a comfortable and sustainable house for the applicant.
- This development is in keeping with the national climate action plans.
- This dwelling was constructed in the 1920s and the standards at this time were different.

- The provision of internal insulation would result in the upstairs bedrooms becoming smaller, would result in increased risks to health and to the structure itself.
- No changes are proposed to the windows, and it is proposed to match the existing render finish.
- Dwellings in this area have been subject to a variety of alterations and additions since they were constructed including external wall insulation.
- It is requested that the Board remove Condition No. 7 in its entirety.

7.2. Planning Authority Response

7.2.1. No comments.

8.0 Assessment

8.1. Overview

8.1.1. As this appeal relates to a First Party against a particular condition and having regard to the acceptability of the proposed development in principle, it is considered that a determination by the Board of the application as if it had been made to it in the first instance would not be *warranted* on this occasion. I therefore consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal namely whether or not Condition No. 7 is appropriate in this instance. I therefore propose to deal with this matter below.

8.1.2. The matter of 'Appropriate Assessment' also requires assessment. This I have considered separately under Section 9 of this report below.

8.2. Condition No. 7

8.2.1. Under the Planning Authority's notification to grant planning permission for the development sought under this application, a development that whilst including a component of demolition largely seeks modest alterations and additions to an existing modest 2-storey end-of-terrace dwelling that forms part of a larger residential scheme of highly uniform in their architectural character, built form, palette of materials, building to space relationships through to palette of materials.

- 8.2.2. This type of development is one that is generally deemed to be acceptable on residential conservation zone land, subject to safeguards including but not limited to ensuring that the development is one that does not result in any adverse diminishment of the integrity of the built fabric of the host dwelling, particularly as appreciated from the public domain, and crucially its contribution to the larger architectural set piece and of built heritage interest and merit character area it forms part of.
- 8.2.3. This due care is set out in part under Section 14.8.2 of the Development Plan which recognises the sensitivity and vulnerability of Residential Neighbourhoods (Conservation Areas) to development. Particularly new developments that have the potential to diminish their intactness; their coherence and unity as a character area in their own right that reflect a particular time of interest in terms of the architecture and building evolution of the city.
- 8.2.4. As such this Section of the Development Plan indicates that the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on their amenity or indeed the architectural quality of the area.
- 8.2.5. Additional provisions to protect the intrinsic character and attributes of these residential conservation areas are provide under Chapters 11 of the Development Plan which deals specifically with the matter of Built Heritage and Culture and Chapter 16 which sets out development standards including detailing policies and objectives for residential conservation areas for which regard should be had to as part of any design and any assessment of proposed developments in such sensitive and vulnerable to change areas of the city. This, however, is subject to safeguards, that where carried out will incorporate good standards of design and appearance.
- 8.2.6. Whilst the Planning Authority deemed the proposed development to be largely acceptable in principle the concerns expressed by its Planning Officer in their report on the proposed external wall insulation on three elevations at a depth of 150mm is reflected in the requirements of Condition No. 7.
- 8.2.7. Under this condition the Planning Authority essentially requires that the external front and side external wall insulation be omitted in its entirety. The reason given for this is given the dwellings location within a residential conservation area where it is an objective of the Development Plan under its land use zoning to provide protection and/or improve its amenities. The external finishes and treatments of No. 4 Casino

Road was considered to be one of the critical elements in this building's appearance and of the terrace group it forms part of. Of concern the external cladding would replace the original finishes and would have an unacceptable impact on the host dwellings appearance and the streetscape setting it forms part of by way of this loss of original external finish.

8.2.8. While the Planning Officer noted the Planning Authority generally encourages and supports retrofitting of older buildings.

8.2.9. I am also cognisant that this accords with Section 11.1.5.9, Section 11.1.5.10 and policy CHC6 of the Development Plan which clearly sets out specifically that the retrofitting of historic and other buildings subject to heritage protection will be encouraged and supported.

8.2.10. In addition, I am cognisant that the said plan acknowledges that improving environmental performance may include measures to reduce carbon emissions, improve resource use efficiency and minimise pollution and waste. That it also indicates the benefitting simple measures such as draught proofing, energy and water efficient appliances, roof insulation and repair and maintenance can all bring substantial improvements and have minimal impacts other impacts, both visually and on historic fabric and traditional construction.

8.2.11. It therefore recognises that retrofitting existing building stock is crucially important given that it will always represent a bigger proportion of the buildings in the city than new buildings and this can be done without significant loss of historic fabric through to significant affect on historic structures.

8.2.12. In this instance while I consider that the provision of external wall insulation to the depths of 150mm to the exposed rear elevation would not be largely visible nor would it result in a highly significant impact on the visual and residential of the terrace group or that which adjoins its rear boundary but addresses Brian Avenue, the provision of such cladding on the exposed side and front elevation would not only result in the loss of the original pebble render finish which would in my view be difficult to replicate and moreover it would, albeit by a modest 150mm project outwards from the principal elevation it would not adjoin its neighbour or the front building line of this highly intact terrace group in a harmonious and respectful manner. Therefore, this would add to its visual incongruity when viewed against its adjoining and neighbouring terrace group

it forms part of as well as would diminish the integrity of the surviving original external finishes which includes details such as but not limited to banding demarcating when viewed externally from the public domain ground from 1st floor level.

- 8.2.13. Further whilst I note the window openings present are not original, this application also seeks an amended more contemporary treatment of the window and door opening serving this dwelling. Nor do the drawings provided show that any the banding and other detailing that forms part of the original external treatment will be provided. As such the new window opening treatment and fenestration details do not attempt to harmonious with the original particularly fenestration pattern details of the 1920s original design.
- 8.2.14. I do not consider the examples cited to be positive precedents and in general the original character of the examples cited have dramatically and significantly been diminished to an extent that they have diminished the intrinsic character and integrity of this residential conservation area. Further, there are no Board precedents for such modifications to be made in this area or indeed within the visual curtilage of the host dwelling. Moreover, the original external finishes and there continuity particularly in terms of the terrace group the host dwelling forms part of is highly intact.
- 8.2.15. In relation to the health and structural implications, I do not accept that if done to the best current standards as well as solutions for such retrofitting works that it would give rise to diminished internal amenities for occupants. There are breathable solutions available for retrofitting older buildings that need to be able to breath with these also available in slim depth solutions.
- 8.2.16. Moreover, given that the external appearance of these dwellings, their contribution to the intrinsic character and quality of the residential conservation area the subject site forms part of, it would be appropriate to look at internal reconfiguration which could provide for the provision of internal insulation on the eastern side and principal façade envelope. Particularly given the nature and extent of alterations and additions proposed under this application.
- 8.2.17. In conclusion, having regard to local planning provisions on this matter together with the reasonable built heritage concerns raised by the Planning Authority's in relation to the visual amenity impact such development could give rise too I consider that in this case the requirements of Condition No. 7 are reasonable and appropriate in

safeguarding the intrinsic character and visual amenity qualities of the residential conservation area streetscape scene No. 4 Casino Road forms part of.

8.2.18. I also consider that there is merit that to omit the requirements of this condition has the potential to give rise to an undesirable precedent even though each planning application should be rightly considered on its merits. Cumulatively over time similar developments would result in further loss of original built fabric alongside diminish the integrity as well as intrinsic character of these residential conservation areas in an adverse manner. This impact is more substantive, and it is of public good that these areas are afforded appropriate protection from inappropriate development that diminish their visual amenities, legibility and in this case their appreciation as part of a larger set piece of built heritage interest within the city of Dublin as viewed from the public domain of their local context.

9.0 Appropriate Assessment

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

10.0 Recommendation

10.1. Having regard to the nature of the conditions subject of this First Party Appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted; and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 to not remove Condition No. 7 from their notification to grant planning permission under P.A. Ref. No. WEB 1110/21 for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development and the pattern of development in the area, including the terraced character of the streetscape,

it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of Condition No. 7, are warranted. The proposed development, in the absence of this condition would give rise to a development that would be contrary to the 'Z2' – Residential Conservation Area zoning objective that is applicable to the site and its setting due to it giving rise to the external wall insulation being a type of addition to a historic building that forms part of a highly coherent and highly intact terrace group that forms part of a larger residential scheme of built heritage interest that dates back to the 1920s that would result in built fabric loss, the diminishment of its integrity and intactness as appreciated as part of its streetscape scene which consists of a highly coherent in appearance and highly intact in terms of external dwelling wall finishes and treatments. Therefore, to permit the omission of the external wall insulation from the principle and side elevation would not be consistent with the land use zoning objective to protect and/or improve residential conservation area, it would seriously impact on the visual amenities of the area, would create an undesirable precedent for other similar developments, and would for these reasons be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

8th day of November, 2021.