



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310383-21

#### Development

#### PROTECTED STRUCTURE:

construction of a new flat roofed single storey extension with two rooflights to the rear, the exterior of the building and its curtilage is a protected structure, widening of the vehicle entrance to the rear, new gates, and garden shed.

#### Location

201, Upper Rathmines Road, Dublin 6

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

2379/21

#### Applicant(s)

Orla Marron & Bojula Enrique Torao  
Garcia

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Damien & Thelma Davey

**Date of Site Inspection**

12<sup>th</sup> October 2021

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.033 hectares, is located on the western side of Upper Rathmines Road and to the south of Rathmines Village centre. The appeal site is occupied by a two-storey terraced dwelling, the existing dwelling is brick fronted single bay dwelling and is on the record of protected structure as are the other dwellings that make up the terrace. To the north of the site is no. 199 and to the south is no. 203. There is a laneway running to the rear of the site and providing access to the dwellings at this location. The dwellings along the eastern side of Villiers Road back onto the opposite side of this laneway.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a new flat roof extension to the rear of no. 201 Upper Rathmines Road. The proposal entails demolition of an existing single-storey lean-to section at the end of the rear return, demolition of a section of wall at ground floor of the rear return, demolition of the original garden shed, demolition of three non-original single-storey rear extensions of 4sqm, 1,5sqm and 2.3sqm respectively, removal of non-original window to rear of dining room to create door to the proposed extension, replacement of roof light to the rear return roof, some repairs and associated site works. The proposal also entails widening of the existing vehicle entrance to the rear, new gates and a new garden shed. The proposed extension has a floor area of 28sqm with the new shed having a floor area of 6sqm. The extension has flat roof profile with a ridge height 3.223m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 15 conditions. The conditions are standard in nature.

Condition no. 2: details of external finishes to be agreed including the shed.

Condition 3: Conservation expert to be engaged.

Condition 4: Method statement for re-pointing stonework, construction methodology and structural support works, details of flashing to be submitted and agreed.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning Report (28/04/21): The design and scale of the proposal was considered to be acceptable in the context of the visual amenities of the area, architectural heritage and the amenities of adjoining properties. A grant of permission was recommended subject to the conditions outlined above.

#### **3.2.2. Other Technical Reports**

Drainage Division (29/03/21): No objection.

Transportation Planning (19/04/21): No objection subject to conditions.

Conservation Officer (27/04/21): No objection subject to conditions.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

3.4.1 A submission was received from Damien & Thelma Davey, 199 Upper Rathmines Road, Dublin 6.

- Overshadowing, impact on existing boundary wall, inaccurate drawings of boundary wall, visual impact and discharge of run-off.

## **4.0 Planning History**

None on the appeal site.

Adjoining sites...

3794/09: Permission granted for a new flat roofed single storey extension to the rear of a protected structure at 205 Upper Rathmines Road.

1449/06: Permission granted for removal of 5.6sq.m. shed and 9sqm lean to section to end of return at rear, construction of a 29.5 sqm single storey extension to the rear at no. 209 Upper Rathmines Road.

## **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 Residential Neighbourhoods (Conservation Areas) with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest

### 16.2.2.3 Alterations and Extensions

Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

## Appendix 17-Guidelines for Residential Extensions

### 5.2. Natural Heritage Designations

None within the zone of influence of the proposal.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Marston Planning Consultancy on behalf of Damien & Thelma Davey, 199 Upper Rathmines Road, Dublin 6. The grounds of appeal are as follows...

- The appellants' property adjoins the appeal site to the north.
- The design, scale and proximity of the extension to the rear of the appellants' property is noted with adverse impact on existing residential amenity due to an overbearing physical impact and loss of sunlight and natural light not in compliance with BRE guidelines.
- The proposal would have a negative impact on the fabric and structural integrity of a protected structure with concerns regarding the impact of the structure on existing boundary wall which is original fabric. There is a lack of assessment or demonstration that the existing boundary is of sufficient structural integrity to facilitate the proposed extension.
- The drawings of the existing boundary wall is inaccurate and varies in height.
- The application of condition no.s 3 and 4 illustrate the lack information and insufficient assessment in terms of architectural heritage.

- There is a lack of an assessment of the existing dwelling in terms of conservation with details of internal features and a lack of assessment of impact on adjoining protected structures.

## **6.2. Applicant Response**

### **6.2.1 Response by DK Planning 7 Architecture on behalf of the applicants, Orla Marron & Bojula Enrique Torao Garcia.**

- Sufficient drawings and information has been submitted to assess the proposed development.
- The applicant have submitted a drawing illustrating the varying height of the boundary wall with their submission.
- It is considered that the height and depth of the extension is such that it would be acceptable in terms of overall physical impact on adjoining properties and not give rise to material impacts in terms of overshadowing or loss of daylight/sunlight. The proposal would comply with BRE guidelines.
- The two conditions referred to in appeal are standard conditions and are sufficient to ensure adequate protection of architectural heritage. The applicants have engaged a Conservation expert and attached a draft report that complies with Condition no. 4.
- The existing boundary wall is to be retained and repaired and an engineer's sketch has been submitted illustrating the methodology to ensure stability of the wall. The proposed extension is to be built on a raft foundation to ensure no interaction between the new works and the existing boundary wall.

## **6.3. Planning Authority Response**

### **6.3.1 No response.**

## 7.0 Assessment

- 7.1. Having inspected the site 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 Permission is sought to demolish part of an existing dwelling consisting of a number of single-storey additions to the rear and construct a single-storey flat roofed extension. The proposed extension has a ridge height of 3.223m. The extension is located tight to the northern boundary and the existing boundary wall between 201 and 199. The extension projects 3.4m beyond the rear building line of no. 199 (portion adjoining the boundary). The extension is stepped back from the southern boundary by 2.072m.

7.2.2 The scale and design of the extension is subordinate in scale relative to the existing dwelling, is low profile in scale featuring a flat roof and does not extend significantly beyond the rear building line of adjoining properties. The overall scale and form of the extension is similar in design and scale to previously permitted extensions notably at no.s 205 and 209 Upper Rathmines Road. The extension is located to the rear of the existing structure, which is protected structure and its low profile nature and location to the rear would mean it is not visible from public areas.

7.2.3 The third party appeal raises concerns about the extent of the extension relative to no. 199 to the north of the site with concern raised regarding its overbearing impact and potential overshadowing and loss of daylight/sunlight. I would be of the view that the overall scale and design of the extension has adequate regard to the amenities of adjoining properties and is similar in nature and scale to extensions previously granted and constructed at similar properties to the south. In relation to impact on light to the windows of the appellants' property, no. 199 the appellants have indicated that the proposal would not comply with BRE guidelines (2011). There is



no detailed assessment of the proposal in this context and the appellant has provided no information to back up this claim. I would consider that such is not necessary to assess the impact of the proposed extension which will not be significant in terms of loss of daylight/sunlight or overshadowing. The appellants' property has a single-storey extension to the rear with a window on its rear elevation and a full height glazed section that does not project as far as the extended portion. The extension is single-storey and projects 3.4m beyond the limit of the glazed section and 1.2m beyond the extended portion of their dwelling. I do not consider that there is a significant or negative impact on amenity with the glazed section being a full height vertical door/window that is higher than the proposed extension and features a significant level of glazing on a roof section. I do not consider that the design and scale of the proposed extension would have a significant impact on the level light to existing windows and roof to the rear of the appellants' dwelling. In relation to overshadowing again I would reiterate the scale of the extension is low profile in nature and does not project a significant level beyond the rear building line of the adjoining property. In addition I would note that there are existing extension to the rear of the dwelling on site that project further although such are separated from the boundary. I would be satisfied that the impact of the proposed development in relation to natural light and overshadowing is satisfactory in the context of a built up urban location such as this and the proposal has adequate regard to the residential amenities of the neighbouring properties including the appellants'.

7.2.4 The appellant raises concern regarding the lack of information in relation to the impact on the protected structure. The entry for the building on the record of protected structures (RPS Ref No 7339) indicates that the exterior of the building is protected only. The applicant submitted a Planning and Conservation report with the application. This report details the history of the structure and area, the condition of the structure, details of exterior character, internal fabric and details of the works proposed. The report notes that the building had been used as 6 flats in recent times has been returned to use as a single dwelling. In terms of impact on a protected structure it is notable that the protection is limited to the exterior of the dwelling. Notwithstanding such the proposal does not entail a significant change to the layout of the existing structure with the proposal entailing removal of later

extensions to the rear and the main change to original fabric being an alteration to the rear return wall to facilitate access to the new extension and alteration to non-original windows on the rear elevation to also facilitate access. As noted above the extension is subordinate in nature to the existing dwellings, is not highly visible in the surrounding area and is satisfactory in design and scale relative to the architectural character of the existing dwelling. I would consider that the proposed extension would be satisfactory in context of the setting and character of the existing protected structure as well the adjoining structures and the conservation area it is located in. I am satisfied that sufficient information has been provided to assess the impact of the proposal in terms architectural heritage and that the plans are clear in terms of the works proposed. I am satisfied that appropriate conditions including engaging a conservation architect to oversee works would be sufficient in this case.

7.2.5 The impact of the proposal on the existing boundary wall was raised by the appellants with concern regarding structural integrity. The proposed development does not entail any alteration of the boundary wall between the applicants' and appellants' property. The onus on the applicants to ensure adequate construction management to prevent any damage to adjoining properties or the common boundary. The applicant in response to the appeal has submitted a report from a Conservation expert in relation to the provision of condition no. 4 and relating to the retention and report of the existing boundary wall. The applicant has submitted a drawing showing the varied profile of the existing wall with the plans submitted original showing a wall of uniform height. The response also includes engineering details regarding foundation works. I am satisfied based on the information on file that proposal seeks to have no impact on the existing boundary and that there are engineering solutions that can be implemented to ensure such.

7.2.6 The proposal entails widening of an existing access off a rear laneway and the provision of a small 6sqm shed adjacent the rear boundary. The proposal for the widened entrance is satisfactory. There does not appear to be any detailed plans for the proposed shed despite being part of the development description. I would

recommend that it is specified that this element is not included in the grant of permission.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the overall design and scale, which is subordinate in scale to the existing dwelling on site and structures in the vicinity, the proposed development would be satisfactory in the context of the visual amenities of the area, the amenities of adjoining property and the character and integrity of the protected structure on site, those on adjoining sites and the Architectural Conservation Area it is located in. The proposed development 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, 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. This permission does not include the shed proposed in the development description with no plans submitted for such.

Reason: In the interest of clarity.

2. The detail of the external finishes on the walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

6. 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.

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Colin McBride  
Planning Inspector

12<sup>th</sup> October 2021