



An  
Bord  
Pleanála

## Inspector's Report ABP 311182-21

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<b>Development</b>	PROTECTED STRUCTURE: Amendments of reference No. 4566/19, consisting of alterations to plans.
<b>Location</b>	9, Palmerston Road, Rathmines, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	2868/21
<b>Applicant(s)</b>	Helen Boland.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Liam Brew.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	07 <sup>th</sup> July 2022
<b>Inspector</b>	Brendan Coyne.



## 1.0 Site Location and Description

1.1. The site (0.04 ha) is located on the western side of Palmerston Road in Rathmines, Dublin 6. The site is a Protected Structure (RPS. 6174) and contains a two/three-storey over ground level mid-terraced 5-bedroom dwelling with a two-storey extension raised over columns to the rear and a recessed three-storey wing over a passageway to its side. The dwelling is setback from the road with a railed garden to the front and vehicular access off Palmerston Road. The front elevation of the house consists of a red brick finish at first and second-floor levels with a render finish at ground-floor level. Features on its front elevation include a fanlight over the main entrance door and granite steps leading up to the door. Stone walls c. 1.6m high define the boundary walls to the rear of the dwelling. The adjoining properties to either side of the site are Protected Structures of similar design to the subject dwelling. Adjoining lands to the rear/west comprise the grounds of the Representative Body of the Church of Ireland. The surrounding area's character is mostly residential and contains a mixture of house styles dating from the mid/late 19<sup>th</sup> century.

## 2.0 Proposed Development

### 2.1.1. Application as lodged to the Planning Authority on the 01/06/2021.

2.2. Permission sought for amendments to a development previously permitted under P.A. Ref. 4566/19. Under P.A. Ref. 4566/19, permission was granted for modifications to a development permitted under P.A. Ref. 2413/18, which consisted of a single-storey rear extension and internal alterations to the existing dwelling (Protected Structure).

2.3. The proposed amendments under the subject application comprise the following:

- An increase in the height, width and depth of the single-storey rear extension consisting of the following;
  - Increase in width from 7.82m to 8.49m - an increase of 0.67m.
  - Increase in overall depth from 15.8m to c. 18.72m - an increase of c. 2.92m.
  - Increase in roof ridge height from c. 4.12m to 5.6m - an increase of 1.48m. This is achieved by a rise in the pitch of the roof.

- The removal of the modulations/indentations on the western and eastern corners of the proposed single-storey rear extension and the building outline made regular.
- An increase in the width of the glazed link between the existing dwelling and the proposed new extension by 0.37m.
- An increase in the width of the area of the proposed external spiral staircase by c. 0.7m.
- A change in the roof profile of the proposed bay window to the rear of the house at ground floor level from a flat to a pitched roof.
- The omission of the en-suite w.c. between the two existing bedrooms within the dwelling at ground floor level.
- The replacement of the store room at ground floor level to a new shower room.
- The repointing of the brickwork to the front elevation.
- The removal of the ramp to the sunken patio and the provision of new stairs, located at the western end of the sunken patio.
- The door access point and wall openings under the front entrance stair to be blocked up and rendered.
- Minor internal alterations.
- All ancillary site works to facilitate the development.

**2.3.1. Revised proposal as submitted in response to the grounds of appeal to An Bord Pleanála on the 24/09/2021**

The revised proposal, as submitted in response to the grounds of appeal on appeal to An Bord Pleanála comprises the following:

- An increase in the width of the proposed rear extension from 8.49m to 8.85m – an increase of 0.36 meters.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council GRANTED permission for the proposed development subject to 9 no. Conditions. Noted Conditions include:

**Condition No. 2.** Development Contribution required - €13,890.52

**Condition No. 3.** The Applicant shall reduce the roof proposal to align with the ridge and eaves level of the previously granted permission 4566/19.

**Condition No. 4.** The terms and conditions of the permission for the original development, which was issued under Reg. Ref. 4566/19 shall be fully complied with, except where modified by this permission.

**Condition No. 5.** The Applicant shall comply with the following requirements of the Conservation Department of Dublin City Council:

a) The Applicant shall submit a full scope of works, specification and conservation methodology for the proposed repointing works.

b) The Applicant shall prepare and submit to the Conservation Officer, a record drawing cross-referenced where required to marked-up photographs of the brick façades of the building to record the Condition of the brickwork and any repairs required.

c) The Applicant shall identify by inspection of the façade for any remnants of original pointing to inform the appropriate repointing method for the building based on remnants observed. The building join with the adjoining buildings will require special attention in the repointing works.

d) The Applicant shall submit a full scope of works, specification and conservation methodology for the proposed cleaning works, that shall be to the minimum necessary.

e) The Applicant shall submit a photographic record of the Condition of the facades of this building and shall identify where cleaning is proposed.

f) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard,

all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

g) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. h) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

i) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. Reason: To protect the character and integrity of the protected structure.

Reason: To protect the character and integrity of the Protected Structure.

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

### **3.3. Planning Report**

3.3.1. The basis for the Planning Authority's decision includes the following:

- The proposal is for amendments to a previously approved planning permission P.A. Ref. 4566/19 that permitted a single-storey extension to the rear of the dwelling.
- The proposal would increase the height of the permitted extension 4.5 meters to 5.6 meters, an increase of 1.5m.
- The increase in the roof height is achieved by an increase in the pitch of the roof of the single-storey rear extension.
- The proposal would increase the length of the approved extension by 1.1m to provide an overall length of 10.6 metres.
- The proposal would increase the width of the extension by 0.67 metres, providing an overall width of 8.49 metres.

- This proposal provides for an increase in the width of the glazed link between the existing dwelling and the new extension.
- The proposal provides for a change in the roof of the proposed bay window from a flat to a pitched roof. The Planning Authority has no issue with this minor change.
- Other minor changes include the omission of an en-suite w.c. between the two existing bedrooms and changing the store to a new shower room, at lower ground floor level. These changes are considered minor and would have no impact on the Protected Structure.
- The principle of an extensive rear extension has been established on the subject site under P.A. Ref. 4566/19.
- There are other examples of large-scale extensions to properties on Palmerston Road.
- The increase in the floor area by way of an increase in depth and width is minor and would not impact the visual or residential amenity of the neighbouring dwellings to either side, Nos. 8 and 10 Palmerston Road.
- Concerns of the Conservation Officer raised, as detailed in Section 3.4.2 below.
- The Applicant will be requested to revise the roof proposal so that the ridge and eaves align with the development previously permitted under P.A. Ref. 4566/19.
- The Planning Authority concludes that the proposed development would not impact the setting and special character of the Protected Structure on-site subject to compliance with conditions regarding the roof design.

### 3.4. Other Departmental Reports

3.4.1. **Drainage Division:** No objection subject to Conditions.

3.4.2. **Conservation Officer:** Further Information requested. Issues raised include the following;

- The height, bulk and massing of the proposed development would be overbearing and have a detrimental impact on the legibility and special architectural character

of the Protected Structure and its setting as well as on adjoining Protected Structures.

- The Applicant should be requested to submit revised drawings showing the height and profile of the extension's proposed roof so that its ridge and eaves height aligns with the development previously granted permission under P.A. Ref. 4566/19.
- Minimal information is submitted regarding the proposed cleaning and repointing work.
- The Applicant has stated that the extant repointing is in good condition. Therefore justification for any proposed repointing must be provided and proposed repointing work must be based on evidence of the deterioration of the brickwork / extant pointing or evidence of inappropriate pointing.
- The Applicant should submit a full scope of works, specifications and conservation methodology for the proposed repointing works.
- The Applicant should prepare and submit to the Conservation Officer a record drawing cross-referenced, where required, to marked-up photographs of the brick façades of the building to record the condition of the brickwork and any repairs required.
- The Applicant should identify by inspection of the façade for any remnants of original pointing to inform the appropriate repointing method for the building based on remnants observed.
- Joining the building with adjoining buildings requires special attention in the repointing works.
- The cleaning of historic facades can significantly impact their special architectural character, and special care is required when specifying these works. Therefore, the Applicant should submit a full scope of works, specifications and conservation methodology for the proposed cleaning works.
- The Applicant should submit a photographic record of the condition of the facades of this building and should identify where cleaning is proposed.
- The Conservation Officer concludes that further information is required and requests the Applicant to submit the following:



1. Submit revised drawings to show the height and profile of the proposed roof of the extension reduced such that its ridge and eaves height aligns with the development previously permitted under P.A. Ref. 4566/19.
2. Further justification for any proposed repointing. Proposed repointing work must be based on evidence of deterioration of the brickwork / extant pointing or evidence of inappropriate pointing as the extant pointing appears in good condition.
3. Submit a full scope of works, specifications and conservation methodology for the proposed repointing works. Documentation to be submitted should include a record drawing, cross-referenced where required, to marked-up photographs of the brick façades of the building to record the condition of the brickwork and any repairs required. The Applicant should identify by inspection of the façade for any remnants of original pointing to inform the appropriate repointing method for the building based on remnants observed. The building join with the adjoining buildings, will require special attention in the repointing works.
4. Submit a full scope of works, specification and conservation methodology for the proposed cleaning works, a photographic record of the condition of the facades of this building and identify where cleaning is proposed.

#### 4.0 Planning History

**P.A. Ref. 4278/22** CURRENT APPLICATION – Permission sought to repoint the main facade/elevation of the Protected Structure to Palmerston Road in the 'Irish Wiggling Style' together with local mortar repairs to existing brickwork and, as necessary, the replacement with brick specials.

**P.A. Ref. 4566/19** Permission GRANTED in March 2020 to Helen Boland for amendments to previously approved P.A. Ref. 2413/18. Amendments to the Protected Structure comprise the following:

- (1) Increase in the length and height of the permitted single-storey rear extension,
- (2) Inclusion of roof-lights into the extension roof, change of roof finishes, and other minor design revisions to approved extension and garden access staircase,

(3) Lowering of the existing finished floor level to Lower Ground Floor and new external ramped access to the side entrance,

(4) Associated revised drainage and site works.

**P.A. Ref. 2413/18** Permission GRANTED in Jun 2018 to Helen Boland for internal alterations and a single-storey rear extension comprising a new living/dining room, glazed link, utility room and bay window, all of c. 52.4 sq.m at ground level only. All to a Protected Structure. The proposed internal alterations include reinstating the internal stairs to re-connect the ground floor and upper floor levels and inserting 2 no. en suite 'wet room' bathrooms in the existing bedrooms, removing a non-original bathroom to create a new store, and providing a link passage to the new extension.

## 5.0 Policy and Context

### 5.1. Development Plan

**Dublin City Council Development Plan 2016-2022** is the statutory plan for the area. The following provisions are considered relevant:

**Zoning:** The site is located in an area zoned objective 'Z2: Residential Neighbourhoods (Conservation Areas)', which seeks 'to protect and/or improve the amenities of residential conservation areas'.

**Protected Structure:** The site is listed in the Record of Protected Structures (Ref. No. 6174).

**Policy CHC2** - To ensure that the special interest of protected structures is protected.

**Policy CHC5:** To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.

**Section 16.2.2.3** - Alternations and Extensions,

**Section 16.10.12** - Extensions and Alterations to Dwellings

**Appendix 17** - Guidelines for Residential Extensions.

**Appendix 24** - Protected Structures and Buildings in Conservation Areas

## 5.2. **Other Relevant Government Policy / Guidelines**

Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

## 5.3. **Natural Heritage Designations**

None

## 5.4. **E.I.A. Screening**

- 5.4.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1. A third-party appeal was received from David Mulcahy, Planning Consultants Ltd., representing the third-party Appellant Liam Brew, who resides at No.10 Palmerston Road, the house adjoining the site to the south. The main grounds of appeal are summarised under the headings below;

#### 6.1.2. **Overbearing Impact**

- The proposed new development will be 3 meters above the existing side boundary wall and 5.3 meters over the ground level of No. 10's rear garden, according to the west elevation drawing. However, the drawings submitted do not display these measurements.
- The depth of the proposed extension at 11.5m, with only a minor element not presenting as a blank façade to No. 10, will result in a structure of considerable size and scale abutting the boundary wall shared with No. 10.

- The bulk and massing of the proposed development are excessive. Such development would have an overbearing impact on No. 10 Palmerston Road and seriously injure the residential amenity of the occupants of No. 10.
- The proposal is a notable departure from the established pattern of development in the area.

#### **6.1.3. Impact on a Protected Structure**

- The scale, height and bulk of the proposed development would detract from the character and setting of the Protected Structure and adjoining Protected Structures to either side, notably No. 10 Palmerston Road.
- The proposal would dominate the rear elevation and compromise the appearance and context of the Protected Structure.
- The proposed development is unlike anything previously granted permission along Palmerston Road.
- The proposal would not be subordinate to the main dwelling.

#### **6.1.4. Shadow and Daylight Impact**

- The Applicant has not submitted any shadow or daylight impact analysis with the application.
- It is acknowledged that No. 10 may not be impacted by shadow impact due to its location south of the proposed development. Nonetheless, this is a material planning consideration
- The proposal would likely impact No. 8 Palmerston Road to the north, despite the setback of the proposal from the shared boundary.
- The proposed 1.5m increase in height is significant.
- CGI (computed generated imagery) have not been submitted with the application.
- In the absence of any empirical evidence to demonstrate that there will not be a material shadow impact, the proposed development should be refused permission.

## 6.2. Applicant Response

RW Nowlan & Associates, Chartered Planning and Property Advisors, has responded on behalf of the Applicant to the third-party grounds of appeal, addressed under the headings below;

### 6.2.1. Planning History

- The proposed development increases the height of the permitted development from 4.12m to 5.6m. This is achieved by increasing the pitch of the approved roof.
- Under P.A. Ref. 2413/18, permission was granted for internal alterations and a single-storey rear extension. This permission was not taken up and is still valid.
- Under P.A. Ref. 4566/19, permission was granted for amendments to the development permitted under P.A. Ref. 2413/18. This permission for a single-storey extension was not taken up and is still valid.

### 6.2.2. Clarity re. Building Height

- The planning permission for the permitted development under the subject application does not increase the height of the proposed extension.
- Condition No. 3 of the permission by the Planning Authority requires that 'The Applicant shall reduce the roof proposal to align with the ridge and eaves level of the previously granted permission 4566/19. Reason: In the interest of visual amenity'. This Condition leaves no doubt about the permitted height of the proposed development.
- The Applicant notes that the Board will consider the proposed development '*de novo*' and invites a permission based on the design as applied for.

### 6.2.3. Lack of Elevations

- The Appellant expresses concern that northern and southern elevations are not included with the planning application. This is incorrect.
- A north elevation was submitted– refer to drawing number PL-301.

- As is clear from the floor plans, the southern elevation is no different in terms of the outline of the building.
- The Planning Authority considered that the proposed north elevation and section drawings submitted (PL-0201 and PL-0202) contained sufficient detail to make a decision.

#### **6.2.4. Overshadowing and Loss of Daylight**

- The proposed development is north of the Appellant's house and rear garden.
- As stated by the Appellant, the shadow impact of the proposal would not affect No. 10, given its location south of the proposed development.
- A daylight and sunlight analysis is not required in the case of every development proposal.
- Planning permission has already been granted subject to the same conditions, and the building height is not different.
- No additional overshadowing impacts would arise over and above those that would arise from the permitted development.

#### **6.2.5. Lack of computer-generated images (CGIs)**

- Computer-generated images are not a requirement under the Planning And Development Regulations 2001 (as amended).
- The drawings are scaled, and dimensions are stated on the drawings. This enables any person to assess the scale of the proposed development.
- The drawings submitted enabled the Appellant to make a submission showing the height of the proposed development in relation to the boundary wall.

#### **6.2.6. Size of Proposed Development**

- The Appellant is concerned that the proposed development is larger than the previous planning permission. This is not a valid planning ground of objection.
- Each planning application is treated on its own merits.

- The Applicant would not have applied for planning permission if the development was the same size.

#### **6.2.7. Overbearing Impact**

- The ridge height of the proposed development is c. 4.55m above the rear garden of Np. 10 Palmerston Road, and its average height is c. 3.3m.
- The height of the proposed development cannot be considered 'overbearing' in visual terms.
- The Applicant would be prepared to raise the boundary wall with trellis fencing if this would alleviate the Appellant's concerns.
- There are no windows proposed on the southern elevation of the proposal facing the rear garden of No. 10.
- The proposal would maintain the privacy of the rear gardens of the adjoining dwellings.
- The Planning Authority raised no concerns regarding the height of the proposed development in relation to impact on the residential amenity of adjoining properties.

#### **6.2.8. Protected Structure**

- In consideration of the Conservation Officer's report and concerns therein, the Planning Authority imposed Condition No. 3, requiring the Applicant to reduce the height of the roof of the proposal to align with the ridge and eaves level of the development previously permitted under P.A. Ref. 4566/19.
- The reason for the Condition does not refer to an impact on the Protected Structure or the residential amenity of the adjoining property.
- The Applicant has submitted a Conservation Method Statement prepared by a Conservation Architect.
- The Conservation Method Statement concludes that the proposed development will have no substantial impact on the character or significant fabric of the Protected Structure or the local area.

### 6.2.9. **Lack of Precedent**

- The appellant states in their submission that no extensions of a similar nature have been granted permission on Palmerston Road. This contradicts the conclusion in the planner's report, which states that there are examples of large-scale extensions to properties on Palmerston Road.

### 6.2.10. **Design Modifications**

- There is no merit in the appeal submission, as the height of the proposed development has already been permitted under the previous planning application, which is still valid and can be availed of by the Applicant.
- The only change compared to the previous permission is the increase in the depth of the proposed development.
- The Appellant has not submitted any planning grounds why such an increase in depth would impact the residential amenity of the adjoining property.
- The Applicant would be prepared to accept a reduction in the roof ridge height by 1.2 metres. This would significantly reduce the height of the proposed development and therefore reduce any impact on the Protected Structure in visual terms.
- The Board is invited to either accept the proposed roof height or attach a condition requiring a reduction by 1.2 meters in the roof ridge height while retaining the proposed eave height.
- In the event of a planning permission, the Applicant would like to propose a modest increase in the width of the proposed extension by 0.36 meters. This change is shown on the revised drawings submitted with the appeal.
- In the event of a decision to grant planning permission, the Board is invited to attach a condition which approves these modifications in the design.

### 6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.



## 6.4. Observations

None

## 7.0 Assessment

Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Scale, Height and Overbearing Impact
- Impact on a Protected Structure
- Overshadowing
- Appropriate Assessment

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

### 7.1. Scale, Height and Overbearing Impact

- 7.1.1. The Appellant object to the proposed development on the grounds that the height, depth, bulk and massing of the proposed development would have an overbearing impact on the adjoining dwelling No. 10 Palmerston Road and thereby would adversely impact the residential amenity of the occupants of No. 10. Additionally, the Appellant contends that the drawings submitted fail to show the height of the proposed development, which the Appellant states would be 3m above the existing side boundary wall and 5.3m over the rear garden ground level of No. 10. The Applicant contests these grounds of appeal, as detailed in Section 6.2 above.
- 7.1.2. The Planning Authority, in its assessment, considered the increase in depth and width of the proposed development minor and would not impact the visual or residential amenity of neighbouring properties, Nos. 8 and 10 Palmerston Road. However, regarding height, the Planning Authority imposed a condition (No. 3) requiring the Applicant to reduce the height of the roof of the proposed extension to align with the

ridge and eaves level of the extension permitted previously under P.A. Ref. 4566/19. The stated reason for this condition was in the interest of visual amenity.

7.1.3. Having reviewed the documentation on file, I am satisfied that the drawings submitted are sufficient to describe the works to which the application relates, in accordance with the requirements of Articles 22 and 23 of the Planning and Development Regulations 2001 (as amended).

7.1.4. The proposed development under the subject application consists of amendments to the development previously permitted under P.A. Ref. 4566/19. Under P.A. Ref. 4566/19, permission was granted for modifications to the development permitted under P.A. Ref. 2413/18, which consisted of a single-storey rear extension and internal alterations to the existing dwelling (a Protected Structure).

7.1.5. The proposed amendments under the subject application, as submitted to the Planning Authority, comprise (inter alia) an increase in the height, width and depth of the single-storey rear extension as permitted under P.A. Ref. 4566/19. The proposed increase in width would increase from 7.82m to 8.49m - an increase of 0.67m. The proposed increase in depth would increase from 15.8m to c. 18.72m - an increase of c. 2.92m, and the increase in the roof height would increase from c. 4.12m to 5.6m - an increase of 1.48m. The increase in the roof height is achieved by a rise in the roof's pitch. Other proposed amendments to the single-storey rear extension include the following:

- The removal of the modulations/indentations on the western and eastern corners of the rear extension and the building outline made regular.
- An increase in the width of the glazed link between the existing dwelling and the proposed new extension by c. 0.37m.
- An increase in the width of the external area of the proposed spiral staircase by c. 0.71m.
- A change in the roof profile of the proposed bay window to the rear of the house from a flat to a pitched roof.
- The removal of the ramp to the sunken patio and the provision of new stairs, at the western end of the patio area.

- 7.1.6. In response to the grounds of appeal, the Applicant has submitted a revised proposal seeking permission from the Board for amendments to the proposed development, comprising an increase in the width of the proposed extension by 0.36 meters. This would increase the width of the rear extension from 8.49m to 8.85m. Revised drawings are submitted showing these proposed amendments.
- 7.1.7. The southern building line of the proposal extends along the southern side boundary of the site, and the northern building line would maintain a separation distance of 1.3m from the northern site boundary. The rear elevation drawing shows that the roof ridge line of the proposed extension would rise c. 5m above the ground level of the rear garden of adjoining dwelling no. 10 Palmerstown Road. I note that the ridge height of the single-storey rear extension previously permitted under P.A. Ref. 4566/19 rises c. 3.4m above the ground level of the rear garden of adjoining dwelling no. 10. Under the subject application, the Planning Authority imposed a Condition (No. 3) requiring that the Applicant to reduce the roof height of the proposal to align with the ridge and eaves level of the extension permitted under P.A. Ref. 4566/19.
- 7.1.8. Having reviewed the drawings submitted, and in consideration of the overall depth of the proposed single-storey rear extension (18.72m) and its proximity along the southern side boundary, it is my view that the overall height of the proposed single-storey rear extension at 5 m would impact the visual and residential amenity of No. 10 by way of overbearing impact and loss of outlook. Such development would be contrary to Section 17.7 of Appendix 17 of the Dublin City Council Development Plan, which requires that extensions to dwellings '*should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings*'. However, I consider the Planning Authority appropriately addressed this issue by imposing a condition (No. 3) to the grant of permission, requiring the Applicant to reduce the height of the roof to align with the ridge and eaves level of the extension permitted previously under P.A. Ref. 4566/19. The extension permitted under P.A. Ref. 4566/19 has an overall ridge height of c. 3.5m and an eave height of 2.9m above the ground level of adjoining dwelling No. 10 Palmerston Road. It is my view that the requirements of this Condition would minimise the visual and overbearing impact of the proposal on adjoining properties, which are Protected Structures. I recommend, therefore, that the provisions of this Condition be imposed in the event of a grant of permission.

7.1.9. Regarding the proposed increase in the width of the proposed extension by 0.36 meters, as submitted in response to the grounds of appeal to An Bord Pleanála, it is my view that this increase in width is minimal and would not adversely impact the visual or residential amenity of neighbouring dwelling No. 9 Palmerston Road. A separation distance of 1.2m would be maintained between the northern building line of the proposal and the northern site boundary.

## **7.2. Impact on a Protected Structure**

7.2.1. The Appellant objects to the proposed development on the grounds that the scale, height and bulk of the proposed development would detract from the character and setting of the Protected Structure and adjoining Protected Structures to either side, notably No. 10 Palmerston Road. Furthermore, the Appellant states that the proposal is unlike anything previously granted permission along Palmerston Road.

7.2.2. The Applicant has submitted with the application a Conservation Method Statement prepared by an architect accredited in Conservation, Grade 3. The Conservation Method Statement provides details of the proposed brick and stone cleaning, including details of the brick repair methodology and a brick repairs method statement, and details of proposed cleaning methods, including cleaning trials, cleaning with water, chemical cleaning, poultice cleaning and abrasive systems. The Conservation Method Statement concludes that the proposed extension and the minimal internal alterations at ground floor level will have little or no impact when compared to the previously granted planning permission (Ref 4566/19) and will ensure the continued practical use of the house as a modern family home.

7.2.3. The concerns of the Council's Conservation Officer's report are detailed in Section 3.4.2 above. Notably, the Conservation Officer expressed concern that the height, bulk and massing of the proposed development would have an overbearing and detrimental impact on the legibility and special architectural character of the Protected Structure and its setting as well as on adjoining Protected Structures. The Conservation Officer requested the Applicant to submit revised drawings showing the height and roof profile of the proposed extension modified so that its roof ridge and eaves height aligns with the development previously granted permission under P.A. Ref. 4566/19. As detailed above, I am satisfied that the requirements of Condition No. 3 imposed by the Planning

Authority would minimise the visual impact of the proposal on the Protected Structure on the site and the adjoining Protected Structure properties to either side.

- 7.2.4. The Conservation Officer's report expressed concern that minimal information was submitted regarding the proposed cleaning and repointing work. In this regard, the Conservation Officer's report requested further information justifying the proposed repointing and that any proposed repointing work must be based on evidence of the deterioration of the brickwork / extant pointing or inappropriate pointing. Furthermore, the Conservation Officer requested the Applicant to submit a full scope of works, specifications and conservation methodology for the proposed repointing works. Documentation to be submitted should include a record drawing, cross-referenced where required, to marked-up photographs of the brick façades of the building to record the condition of the brickwork and any repairs required. In addition, the Conservation Officer requested that the Applicant identifies by inspection of the façade for any remnants of original pointing to inform the appropriate repointing method for the building based on remnants observed. The Conservation Officer also requested the Applicant to submit a full scope of works, specifications and conservation methodology for the proposed cleaning works, a photographic record of the condition of the facades of the building and identify where cleaning is proposed.
- 7.2.5. In consideration of the Conservation Officer's report, the Planning Authority imposed a Condition (No. 5) addressing the further information required by the Conservation Officer.
- 7.2.6. Having reviewed the drawings submitted and further to site inspection, it is my view that the scale and design of the proposed extension, subject to a Condition regarding its roof height, and the proposed revisions to the internal layout at lower ground floor level would not materially impact the character of the Protected Structure or any element of the structure that contributes to its special architectural, historical or archaeological interest. The concerns raised by the Conservation Officer regarding the proposed cleaning and repointing work to the front elevation can be dealt with by way of Condition.
- 7.2.7. I note the current planning application before Dublin City Council (P.A. Ref. 4278/22), where the Applicant is seeking permission to repoint the main facade/elevation of the Protected Structure in the 'Irish Wiggling Style' together with local mortar repairs to

existing brickwork and, as necessary, the replacement with brick specials. The details of this planning application and its relevance to the proposed development are not addressed under the subject appeal.

### **7.3. Overshadowing / Loss of Daylight**

- 7.3.1. The Appellant objects to the proposed development on the grounds that a shadow or daylight impact analysis and CGI (computed generated imagery) were not submitted with the application. Furthermore, the Appellant expresses concern that the proposal would likely impact No. 8 Palmerston Road, north of the site.
- 7.3.2. The Planning Authority, in its assessment, considered the proposed development would not impact the residential amenity of neighbouring property.
- 7.3.3. Regarding daylight and sunlight, Chapter 16 of the Dublin City Council Development Plan 2016-2022 sets out Development Standards. It requires that 'Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011). Having regard to (i) the west-facing orientation of the appeal site and adjoining properties to either side, (ii) the 1.2m setback of the proposal from the northern side boundary and (iii) a restriction on the roof eave and ridge height of the proposal to align with that as permitted under P.A. Ref. 4566/19 (i.e. a ridge height of c. 3.5m and eave height of 2.9m above the ground level of adjoining dwelling No. 8 Palmerston Road as per Dwg. No. PL-300), I am satisfied that the proposed extension would not cause any significant overshadowing of adjoining dwelling No.9 Palmerston Road. While the Applicant has not submitted a shadow analysis, I am satisfied that the rear-facing window of No.9 Palmerston Road would receive in excess of 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between the 21<sup>st</sup> September and 21<sup>st</sup> March, in accordance with the recommendations of Section 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011). The proposal would not cause significant additional overshadowing of the private amenity space to the rear of No. 9 Palmerston Road. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.3.4.

### 7.3.5. **Appropriate Assessment**

7.3.6. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

## 9.0 **Reasons and Considerations**

9.1.1. Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the visual amenity of the surrounding streetscape. The proposal would not materially affect the character of the Protected Structure or any element of the structure that contributes to its special architectural, historical or archaeological interest. 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 [as amended by the further plans and particulars submitted on 01 <sup>st</sup> June 2021 and by the further plans and particulars received by An Bord Pleanála on the 24th September 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The Applicant shall reduce the roof height of the proposal to align with the ridge and eaves level of the extension permitted under P.A. Ref. 4566/19.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>
3.	<p>A Conservation Method Statement for the proposed works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation and presentation works.</p> <p>All repair/restoration 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" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to cause minimum interference to the building structure and/or fabric.</p> <p><b>Reason:</b> To ensure that these elements of the historic structure are maintained and protected from unnecessary damage or loss of fabric.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>All necessary measures shall 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.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Brendan Coyne  
 Planning Inspector

08<sup>th</sup> July 2022