



An  
Bord  
Pleanála

## Inspector's Report ABP 311613-21.

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### Development

Demolition of existing house and construction of two storey five-bedroom house (379 square metres) widening of vehicular entrance, reduction of front boundary wall height and ground levels and associated works

### Location

Eglinton Lodge, 46 Eglinton Road, Donnybrook, Dublin 4.

### Planning Authority

Dublin City Council

### P. A. Reg. Ref.

3213/21

### Applicant

James O'Flynn

### Type of Application

Permission

### Decision

Refuse Permission

### Type of Appeal

First Party X Refusal

### Appellant

James O'Flynn

### Observer

Phillip O'Reilly

### Date of Inspection

23<sup>rd</sup> December, 2021

### Inspector

Jane Dennehy

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## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 764 square metres and is located on the south side of Eglinton Road at the corner of the entrance to Eglinton Court to the west side and is that of a detached house dating from the 1920s/1930s with a stated floor area of 162 square metres. It is partially built over an under croft with front garden and curtilage parking and an entrance of Eglinton Road and a deep rear garden extending along the east side of the access road to Eglinton Court. The dwelling has been extended to the rear and it has an attic conversion.
- 1.2. The ground level within the curtilage to the front of the dwelling falls steeply towards the road level. To the east side of the site is a two-storey detached house and there is a high party wall along between the two properties to the front. Apartment blocks and surface parking within Eglinton Court are located at and beyond the rear boundary to the south.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for the demolition of the existing dwelling and for construction of a new, two storey, five bedroom dwelling with a stated floor area of 379 square metres. In addition, the application indicates proposals for widening of the existing vehicular entrance, lowering of the height of the remaining front boundary wall and for alterations to the ground level within the site to facilitate the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 13<sup>th</sup> September, 2021, the planning authority decided to refuse permission based on the following reason:

*“Having regard to the habitable condition and positive contribution that the existing dwelling on the site makes to the streetscape and architectural character of Eglinton Road, and the proposal to construct a single*

*replacement dwelling which does not sufficiently contribute to the existing streetscape or to provide for architectural interest, it is considered that the proposed development would be contrary to policies QH23 and CHC4 of the Dublin City Development Plan 2016-2022 to discourage the demolition of habitable housing and to protect the special interest and character of conservation areas and the Z2 zoning objective of the site, to protect and/or improve the amenities of residential conservation areas. The proposed development would, therefore, be contrary to the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”*

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

- 3.2.1. The Planning Officer states that the proposed demolition is not a proposal for an increase in residential density in the area and that the existing dwelling which is unique makes a positive contribution to the streetscape and architectural character of Eglinton Road, without any increase in the residential density and that preservation and reuse of the building given its architectural interest and contribution to the streetscape and character of the area would be appropriate.
- 3.2.2. He does not agree with the statement in the application submission as to a two-storey house being more appropriate to the location than the existing, (single storey dwelling). He considers the proposed replacement to be such that it would diminish the established character and amenities of the streetscape. With regard to the claim as to poor condition and impracticalities for upgrading and refurbishment it is stated that an appraisal and condition study was not included with the application.
- 3.2.3. The planning officer includes the following extract from comments in a report of the Department Culture, Heritage and Gaeltacht (Architectural Heritage) on a proposal for demolition of early twentieth century houses on Eglinton under P. A. Reg. Ref .3047/18 in his report because he considers the remarks applicable to the current proposal:

*“The subject site represents the later phase of development of Eglinton Road in the C20th, whilst comprising residences of different building period, plan, form and scale it is apparent that the quality of construction, craftsmanship*

*and detail continues a tradition of high quality construction typical of the time and integral to the social history and narrative of the C19th suburbs.”*

- 3.2.4. The planning officer points out that achievement of high residential qualitative standards for the proposed development without adverse impacts on adjoining properties. There is no objection to the widening of the entrance it is stated that excessive carparking is to be provided at four spaces with consequent under provision of soft landscaping.
- 3.2.5. The report of the **Transportation Planning Division** indicates a recommendation for a for the proposed entrance to be reduced in width to a maximum of three metres to facilitate retention of the pay and display parking bay on the street. It is stated that there are no exceptional circumstances to justify and excessive entrance width.
- 3.2.6. The report of the **Drainage Division** indicates no objection subject to standard conditions.

### 3.3. **Third Party Observations**

- 3.3.1. A submission was received from Philip O'Reilly who has also submitted an observation on the appeal in which objection to the the proposed demolition of the house is expressed on grounds that it is a viable dwelling of architectural interest suitable for refurbishment with its retention and reuse also being in the interest of sustainable development.

## 4.0 **Planning History**

- 4.1.1. There is no record of a planning history for the application site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is in an area which is subject to the zoning

Objective: Z2; *“to protect and / or improve the amenities of residential conservation areas.”*

According to Section 14.8.2:

*“The general objective for such areas is to protect them from the unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.”*

According to Policy QH23 it is the policy of the planning authority:

*“To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is proposed in order to promote sustainable development by making efficient use of scarce urban land.”*

According to Policy CHC4 it is the policy of the planning authority:

*“To protect the special interest and character of all Dublin’s Conservation Areas. Development within of 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.....”*

According to Section 16.10.17:

*“The re-use of older buildings of significant is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes.”*

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was lodged by J McSweeney on behalf of the applicant on 8<sup>th</sup> October, 2021 and it includes an appendix containing photographs and observations on the condition of the existing dwelling prepared by Mr. McSweeney and a letter entitled, “Structural Condition Report” prepared by Robert Cagney, consulting engineer.

According to the appeal: -

- The existing dwelling is not habitable and, there is rising damp and cracks in external and internal masonry walls and moisture damage to the timber wall plates, rafters, ceiling joists, ceilings. Damage was caused by remedial works to the timber roof structure which is deflected and the inappropriate works for the attic conversion. Inappropriate spray insulation has caused condensation. The timber framed windows, timber fascia soffits and plant at gables are in poor condition.
- The existing dwelling is of little historic, architectural, artistic, cultural or local interest and removal and replacement with the proposed building would make a positive contribution to the streetscape and would not materially affect the character of the streetscape in which there are a range of buildings which have been constructed at different times.
- Demolition is justified because retention it is not structurally practicable and does not warrant the levels of investment required. Substantial replacement to external wall fabric and complete re-rendering would be essential. External insulation would be the only option for the dwelling. Some materials required are not available and existing doors and windows are not energy efficient. Current standards and guidance and current policies on carbon emission and energy conservation in performance would not be achievable and use of renewable energy technology would not be possible. Policies CC1 and CC3 of the CDP refer. It is not possible to retain the character or patina of the building.
- A modern building with strong references to the character of buildings in the area is proposed in the material selected and the height and scale. noted that

no third-party objections were lodged and that the planning officer comments that the proposed development is high quality and does not have any adverse impacts on the adjoining property.

- 6.1.2. According to the accompanying statement Mr Cagney, the applicant's consulting engineer, the building is also derelict having been vacant for some time and immediate temporary supports are necessary to provide for Health and Safety requirements. It is stated that retention of any of the elements of the original and refurbishment is not cost effective and that rebuilding of the house is not viable from a structural perspective whereas demolition and new construction would provide for a cost effective and elegant building.

## **6.2. Planning Authority Response**

- 6.2.1. There is no submission from the planning authority on file.

## **6.3. Observations**

- 6.3.1. A submission was lodged by Philip O'Reilly on his own behalf, in support of the decision of the planning authority to refuse permission. Reference is made to the characteristics of the residential development on Eglinton Road which is being varied in house type and size and which dates from nineteenth, twentieth and to the early twenty first century and according to the submission:
- The existing twentieth century dwelling is unique and positively contributes to its surrounding environment.
  - There is no justification for its demolition, (which is wasteful) and priority should be given to its retention, there being particular concern as it lacks statutory protection. The dwelling should be restored and refurbished instead of rebuilt in a sustainable and environmentally friendly way and it should continue to contribute positively to Eglinton Road. Demolition would be contrary to the 'Z2' zoning objective policies CHC4 and QH23 of the CDP for conservation and for discouragement of demolition.



## 7.0 Assessment

- 7.1. It is agreed with both the applicant's agent and the planning officer that the proposed replacement dwelling would achieve high quality residential quality standards from the perspective of the quality of internal accommodation energy performance efficiency with no undue adverse impacts on the residential amenities of adjoining properties. It is also noted that demolition and replacement with the new dwelling is a more cost-effective option for the applicant, but it should be borne in mind that such considerations are not a predeterminant from a planning perspective.
- 7.2. The application and appeal submissions lack details of the building history and as such there is concern as to the claim that the dwelling does not have special, historical, architectural, artistic, cultural or local interest as submitted in the appeal submission. It clearly an individual dwelling which predates the adjoining dwellings to the east and is unique amongst other buildings along Eglinton Road owing to its villa style and features Furthermore, it is an intact structure although the case made as to the deterioration in its condition over recent years which is not disputed. It is not accepted that the existing building is not a habitable structure. It has lacked attention to regular maintenance and repairs. To this end, it is considered that the concerns of the planning officer, further to consultation of a conservation offer report on other buildings on Eglinton Road proposed for demolition in a planning application as to the potential architectural heritage merits of the existing building are reasonable.
- 7.3. Furthermore, has been pointed out in the planning officer report, the current proposal is for a single replacement dwelling unit of the site as opposed to a multiple unit proposal which it is considered might be feasible for the site owing to its depth and overall size. It is noted that the proposed dwelling the stated floor area of which is 379 square metres has a depth ranging from nineteen to twenty-two metres
- 7.4. Finally, the proposed dwelling is of some considerable mass owing to the two-storey height. the solid to void ratio facing towards Eglinton Road with some glazing being full length to the front elevation along with the projection above the eaves for the living room. The buildings in the streetscape of Eglinton Road as pointed out in the appeal are not homogenous having regard to period of construction and architectural character. However, it is considered the proposed dwelling would be visually

conspicuous, particularly having regard to the building form and dominance of glazing as discussed above which would be exacerbated by the proposed lowering of the front boundary wall and widened entrance and the lack identifiable linkage with and integration into the streetscape.

7.5. Finally, in the event that it is decided to grant permission for the proposed development, it would be advisable for a condition to be attached with the requirement that the proposed entrance not exceed three metres in width as recommended on the report of the Transportation Planning Division.

7.6. Given the foregoing, it is agreed with the planning officer that the proposed development is contrary to Policy Objective QH23, the Z2 (residential conservation area zoning objective and, Policy CHC4 of the CDP.

#### **7.7. Environmental Impact Assessment – Screening.**

7.7.1. Having regard to the minor nature of the proposed development and its location in a serviced inner suburban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.8. Appropriate Assessment.**

7.8.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, no Appropriate Assessment issues arise. The proposed development would not 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. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations.

### **9.0 Reasons and Considerations**

1. Having regard to the size of the site and its location within an inner suburban serviced area close to transport and services and facilities and to the existing period dwelling which is considered to be habitable, it is considered that the

proposed demolition and replacement with a single dwelling unit would be contrary to Policy QH23 of the Dublin City Development Plan, 2016-2022 which discourages the demolition of habitable housing unless an net increase in the number of dwellings is proposed (in replacement) in order to promote sustainable development by making efficient use of scarce urban land. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed replacement dwelling would be visually conspicuous and would fail to integrate satisfactorily to the streetscape by reason of the building form and predominance of extensive glazing in the solid to void ratio to the front, some of which is at full length. As a result, the proposed development would have a negative impact on the visual amenities and architectural quality of the Eglinton Road streetscape in which the site is located and would fail to protect and contribute positively to the special interest and character of the residential conservation area. As a result, the proposed development would be contrary to the zoning objective 'Z2: -" to *protect and/or improve the amenities of residential conservation areas*', section 14.8.2 for the protection of such areas from unsuitable new development and, policy CHC4 for the protection of the special interest and character of Dublin's Conservation areas in the Dublin City Development Plan, 2016-2022. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, based on the information available with the application and the appeal, that the proposed development would not be in conflict with Section 16.10.17 of the Dublin City Development Plan, 2016-2022 according to which the planning authority seeks the retention and re-use of buildings of historic, architectural, cultural, artistic and or local interest which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.

**Jane Dennehy**  
Senior Planning Inspector  
29<sup>th</sup> December, 2021.