



An  
Bord  
Pleanála

## Inspector's Report ABP-312056-21

---

<b>Development</b>	Change of use from guesthouses to two individual family residences, conservation works and alterations throughout, construction of 2 no. rear extensions, and all associated works.
<b>Location</b>	15 & 16 Charleston Road, Ranelagh, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3473/21
<b>Applicant(s)</b>	Eastpoint BP Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party vs. Grant
<b>Appellant(s)</b>	Patricia O'Neill
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> July 2022
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Charleston Road, approximately 300m west of Ranelagh village centre. It has a stated area of 826 sq.m, with approximately 17m of frontage onto Raglan Road and an overall site depth in excess of 50m. Numbers 15 & 16 are Protected Structures, comprising a pair of semi-detached 2-bay 2-storey over basement properties of brick and granite construction. They appear to have been built in the Victorian period but are of Georgian style. The properties are currently in residential use.
- 1.2. The front of the site consists of a tarmacked shared surface car-parking area. There is one shared vehicular entrance and separate pedestrian gate entrances to each property. A long flight of stone steps provides separate access to each property. The front roadside boundary consists of cast-iron railings, while the side boundaries consist of low random rubble stone walls. To the rear of the properties are 2-storey returns and large gardens bound by granite rubble walls. The gardens back onto the rear gardens of properties on Rugby Road.
- 1.3. Charleston Road links Ranelagh and Rathmines and is a mature residential area which developed in the 19<sup>th</sup> century expansion of Dublin City's suburbs. Adjoining properties to the northeast consist of pairs of semi-detached properties which are consistent with the appeal properties, while there is a detached property with a setback building line to the southwest. The semi-detached properties on the opposite side of the road are of more typical Victorian style, while there is a new contemporary development of 4 townhouses nearing completion at the corner of Charleston Road and Charleston Avenue.

## 2.0 Proposed Development

- 2.1. In summary, the proposed development includes the following:
  - Change of use from guest houses to two individual family dwellings
  - Repair & improvement conservation works throughout, including:
    - re-roofing, replacement of rainwater goods with cast iron replicas & 2 conservation roof lights to the south elevation of the original returns.

- Removal works to include lamps, ramps & existing surfaces to front, side & rear gardens, section of the party wall & low granite walls, steps & timber stairs to rear garden, non-original doors, walls, store, kitchens & bathrooms & part of original walls to enlarge openings to lower ground floors, the wall between front and rear rooms, the stairs, sash window, lowering the ground floor level & window opes to 16 and the non-original partitions & bathrooms to the first floor, non-original doors & windows to the returns, lowering the floor level.
  - New openings in the north elevation and widening the openings in the East & West elevations on the lower level, relocation of existing north facing openings, reinstatement of original window opes to 15 and sections of floor to 16 on the upper level.
  - Proposed works at the lower level include the original configuration of rooms to provide bedrooms to 15, new open plan living area & window to 16, new stairs to 15 & 16, double doors to entrance area & steps down to returns with storage & WC & 3m glazed walls & doors to new extensions. Sash window from 16 reconfigured to fit reinstated openings to 15, ceiling opened up & doors to new extensions at upper level.
  - Reinstating original configuration to first floor to provide bedroom, bathroom & dressing & PV photovoltaic panels to the pitched roof.
- Construction of sedum flat roof 3-storey stone clad extension (167m<sup>2</sup>) to the rear of No. 15 connected to the existing return, with basement, lower & upper ground level consisting of living & utility to basement, bedroom, ensuite, bathroom & circulation to lower & open plan kitchen/ dining & external terrace to upper level with 2 roof lights.
- Construction of sedum flat roof 2-storey stone clad extension (107m<sup>2</sup>) to the rear of No. 16 connected to the existing return, at lower & upper ground level with open plan kitchen/ dining to lower & 2 bedrooms, bathrooms & ensuite to upper level with 3 roof lights.
- Associated works including enabling, temporary, drainage & landscape works to front, side & rear, including new permeable surfaces, planting, bin store &

air to water heat pumps, retaining the existing vehicular & pedestrian access onto Charleston Road, refurbishment of the steps & railings including removal of concrete steps & replacing with granite steps to match existing & provision of 2 no. car parking spaces per house. New courtyards to side and provision of new terraces, steps, planting, barbeque, storage & timber privacy screens to top of boundary walls to the rear.

2.2. Water supply would be provided by the existing connection. Foul water would be diverted to the combined sewer by gravity. Surface water from the basement and lower ground floor level would be pumped to a stand-off manhole. It would be separated from foul water and diverted by gravity to attenuation chambers with a flow control device, before flowing by gravity to the existing combined sewer at Charleston Road. Extensive green roofing systems will be used on the extensions to delay and reduce run-off. All paved areas will consist of permeable paving.

2.3. In addition to the normal planning application documents and drawings, the application is supported by the following:

- Architect's Design Report
- Consulting engineer's drainage proposals and calculations for surface water and foul water
- Flood Risk Assessment
- Method Statement for underpinning of existing walls
- Temporary works plans and sections
- Conservation Report, Impact Assessment, and accompanying drawings
- Landscape Masterplan, Proposal, and Report
- Daylight and Sunlight Assessment Report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 2nd November 2021, Dublin City Council (DCC) issued notification of the decision to grant permission subject to 15 standard conditions.

## 3.2. Planning Authority Reports

### **Planner's Report**

3.2.1. The assessment contained in the DCC planner's report can be summarised as follows:

- The proposed residential uses are acceptable in principle in accordance with the Z2 zoning objective for the area.
- The form of the proposed extensions is contemporary, but the scale, form and materials are sympathetic to the main building and do not obscure the rear elevations or rear returns.
- Adequate garden area and existing stone walls are retained.
- The internal alterations respect the original form and features.
- The proposal would provide high-quality internal / external space standards.
- The proposals are acceptable in terms of neighbouring amenity and would not result in any excessive overbearance, overlooking, or overshadowing.
- Transport Planning Division has not raised any objection to access or parking proposals.
- The proposed basement addition is considered acceptable in terms of scale, design, drainage, and methodology.
- No flood risk issues have been raised by Drainage Division.
- A grant of permission is recommended, and this forms the basis of the DCC decision.

### **Technical Reports**

3.2.2. The Engineering Department (Drainage Division) outlines that there are no objections subject to standard conditions.

3.2.3. The Transportation Planning Division outlines that there are no objections subject to standard conditions

3.2.4. The Conservation Officer's report is supportive of the principle of the development but raises concerns in relation to basement / excavation proposals, the scale and

materiality of the extensions, loss/alteration of historic fabric, and proposals for the treatment of the front garden and site boundaries. A request for additional information is recommended, which can be summarised as follows:

- Scale 1:50 drawings of surviving historic fabric
- Details of all doors, architraves, and windows
- Proposals to retain staircase between entrance and garden level, along with historic floor plan and associated works.
- Proposals to reduce the extent of excavation in historic return and rear garden
- Proposals to omit basement level of extension to No. 15
- Proposals to reduce the length of the proposed extensions
- Proposals for lighter coloured stone cladding to extensions and revised window colour/detail
- Proposals for reduction of 3m opening to historic return
- Specification of proposals for pointing of external brick and stone walls
- Proposals to reinstate front garden boundary between No.'s 15 & 16, relocate bin store, and details of proposed boundary railings/gates.

### 3.3. **Prescribed Bodies**

None.

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

One submission was received from the appellant in this case (Patricia O'Neill). The issues raised are covered in the grounds of appeal.

## 4.0 **Planning History**

**P.A. Reg. Ref. 2750/08:** Permission granted (August 2008) for amendment to the approved development (plan reference: 1171/08) to consist of an additional basement level to each house below the two storey rear extensions granted as per

above, associated minor amendments and external works. The proposed basement will cover an area of 63.5m<sup>2</sup> each and will accommodate a family games room.

**P.A. Reg. Ref. 1171/08:** Permission granted (April 2008) for change of use from guest house back to 2 single residences; internal alterations to the existing structure including reconfiguration of bathrooms in basements; alteration to the returns including removal of kitchens and alterations to the second floor; external alterations consisting of closing of one basement level door to each rear return; construction of 2 no two storey extensions of 122m<sup>2</sup> at basement and first floor levels to the rear of each house consisting of circulation spaces, two bedrooms and ancillary spaces at basement level and kitchen and living spaces at first floor each linked to the existing return. The extensions will be clad in stone; external works including landscaping works to front and rear gardens and associated works, including retention of the existing three car parking spaces to each house.

**P.A. Reg. Ref. 2551/06:** Permission granted (July 2006) for change of use from guest house back to 2 single 4-bed residences and single floor extension at rear of each house at garden level, with a total floor area of 62.36sq.m and additional floor extension to each house on top of existing return at rear and associated works.

**P.A. Reg. Ref. 5471/04:** Permission refused (January 2005) for demolition of existing two-storey rear extension, internal alterations, change of use from guesthouse to two single residences, erection of a new four-storey rear extension to both proposed residences, and provision of two entrances in lieu of one existing.

The reason for refusal was as follows:

*The proposed four-storey extension, by reason of its height, bulk and scale, would have a significant detrimental impact on the character and integrity of the existing protected structures and would seriously injure the residential amenity of the neighbouring properties to the east and west due to overlooking. The proposed development would set a precedent for similar undesirable developments in the vicinity of the subject site and consequently would be contrary to the Z2 zoning objective for the area which seeks 'to protect and/or improve the amenities of residential conservation areas'. The proposed development would therefore be contrary to the proper planning and development of the area.*

**P.A. Reg. Ref. 1498/98; ABP Ref. PL29S.117217:** Permission granted (March 2000) for the retention of (A) guesthouse use for 6 bedrooms, (B) An internal link, (C) Rear door and stairs and also permission for internal alterations to provide a total of 12 bedrooms in lieu of a previously approved larger extension.

**P.A. Reg. Ref. 2266/95; ABP Ref. PL29S.098164:** Permission granted (June 1996) for extension to existing ground floor guest accommodation and reconstruction of residential accommodation in three storey return block above ground floor and behind existing houses.

**P.A. Reg. Ref. 0562/95:** Permission granted (June 1995) for retention of off-street car parking in front gardens.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z2', the objective for which is '*To protect and/or improve the amenities of residential conservation areas*'. Section 14.8.2 of the plan states that residential conservation areas have extensive groupings of buildings and open spaces with an attractive quality of architectural design and scale. The general objective is to protect such areas from unsuitable development or works that would have a negative impact on its amenity or architectural quality.

5.1.2 Section 16.2.2.3 of the Plan is part of the general design standards and principles. It deals with 'Alterations and Extensions', which should be designed to respect the existing building, its context and the amenity of adjoining occupiers. Of relevance to the current application, it is stated that development should:

- Respect street uniformity, patterns and rhythms
- Retain a significant portion of garden / yard / enclosure
- Not detract from the architectural quality of the existing building
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design.



- 5.1.3 Section 16.10.12 deals more specifically with 'Alterations and Extensions to Dwellings'. In summary, it is recommended that proposals should respect the visual amenity / character of the area and should protect the residential amenity of adjoining properties. Appendix 17 'Guidelines for Residential Extensions' sets out more detailed advice and principles in this regard.
- 5.1.4 Chapter 11 deals with 'Built Heritage and Culture' and Policy CHC4 aims to protect the special interests and character of all Conservation Areas. It states that all development within/adjoining such areas must contribute positively to its character and distinctiveness and enhance the character of the area and its setting wherever possible.
- 5.1.5. The properties are also included on the Record of Protected Structures, the purpose of which is to manage and control future changes so that significant historic character is retained. Policy CHC 2 outlines the Development Plan aims to protect the special interests of protected structures.
- 5.1.6. The housing policies of Dublin City Council are set out in Chapter 5 of the development plan. The policies which are directly relevant to this appeal case are identified below:

**Policy QH1:** To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

**Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

**Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.1.7. Section 16.10.15 discourages any significant underground or basement development adjacent to Protected Structures or residential properties in Conservation Areas. Development of all basements below the estimated flood levels for Flood Zone areas A or B will not be permitted. The criteria for considering such applications are set out in this section.

## 5.2. National Policy / Guidance

5.2.1. The '**Architectural Heritage Protection: Guidelines for Planning Authorities**' (2011) provides guidance to planning authorities in assessing applications involving Protected Structures. Section 7.3 outlines the conservation principles for examining proposals.

5.2.2. The guidance document '**Quality Housing for Sustainable Communities**' (DoEHLG, 2007), identifies principles and criteria that are important in the design of housing and highlights specific design features, requirements and standards.

## 5.3. Natural Heritage Designations

The site is located c. 700m south of the Grand Canal Proposed Natural Heritage Area. It is located c. 3km west of the nearest Natura 2000 sites i.e. South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC. There are several other Natura 2000 sites within the inner Dublin Bay area.

## 5.3 Environmental Impact Assessment – Preliminary Examination

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. The decision of DCC to grant permission has been appealed by Patricia O'Neill of 1A Sherborne Court, 17-18 Charleston Road. It included a request for an oral hearing, which was subsequently refused by the Board. The grounds of appeal can be summarised as follows:

- The development will significantly affect the privacy and light afforded to the appellant's front door and side window.
- The development will restrict light to the appellant's front door, the space in front of the home, and main window. The applicant's Daylight and Sunlight Assessment makes no reference to the front door and the appellant strongly disagrees that impacts on the main windows (Ref. '0F') would be 'imperceptible'. There will be a significant loss of light in the late afternoon/evening, as evidenced by the graphic results for 21<sup>st</sup> June, which indicate that the property will be in shade after 6pm. Serious concerns are raised about the impacts on the amenity value of the property.
- Serious concerns are raised about construction impacts including staff, access, noise/dust, and potential damage to the boundary wall.
- Concerns are raised that the proposed development will devalue the appellant's property due to excessive size and loss of greenspace.

### 6.2. Planning Authority Response

None.

### 6.3. Applicant Response

The response from the applicant can be summarised as follows:

- The proposed works do not involve any additional windows overlooking the appellant's property and will not lessen the level of privacy. In fact, privacy will

be improved due to the removal of separate apartments and associated entrances.

- The applicant's Daylight and Sunlight Assessment has found that only 1 window would sustain a 'slight' level of effect. The effect on the appellant's window would be 'imperceptible'. It currently receives sunlight up until 8pm on 21<sup>st</sup> June and this would only be reduced to 7pm as a result of the proposed development. The appellant's door is solid and would not experience a reduction in light. The area outside the door would receive sunlight up to 6pm on 21<sup>st</sup> June and there would be no impact on the communal space and rear garden.
- Construction access would be via the sides of no.'s 15 & 16, which is adequate for machinery and equipment. A construction management plan will be agreed to ensure that the amenity of adjoining properties is protected.
- There will be no damage to the historic boundary walls, which are outside the zone of influence of the proposed works. The proposed development involves repair works to ensure the conservation and survival of the wall.
- The scale of the proposal is appropriate and complies with the policies and standards of the Development Plan.
- There would be an increase in greenspace through the proposed landscape design and green roofs to the extension.
- The proposed development is in an urban setting and has been designed to minimise the impact on surrounding properties. The proposed extensions are narrower than previously permitted and do not exceed the height of the existing returns. The proposal provides a high quality, contemporary, and sustainable design, which compliments the original houses and enhances the local environment. It ensures the sustainable future of two protected structures for their originally intended residential use.

#### **6.4. Prescribed Bodies**

None.

## 6.5. Observations

None.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. Having inspected the site and considered the documentation and drawings on the appeal file, including all submissions received in relation to the appeal, and having regard to relevant local and national policy, I consider that the main issues for assessment of this case are as follows:

- The principle of the development
- Built heritage and visual amenity
- The standard of residential amenity proposed
- Impacts on surrounding properties

### 7.2. The principle of the development

7.2.1. While the properties currently appear to be in conventional residential use with some sub-division (i.e. the garden level unit in no. 15), the permitted use of the properties would appear to be as 'guesthouses'. Ultimately however, it is proposed to revert the properties back to their original use as single residences. I consider that the proposed use would be consistent with the Z2 zoning objective, which includes 'residential' as a permissible use. From a heritage viewpoint, I also consider that the proposed use would be a positive intervention given that it would reflect the original use and character of the properties.

7.2.2. However, the Z2 zoning objective and Policy CHC4 seek to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Policy CHC2 also aims to ensure that the special interest of protected structures is protected. Further assessment will therefore be required in relation to visual amenity and built heritage impacts.

### 7.3. Built Heritage and Visual amenity

7.3.1. The application is accompanied by a Conservation Report prepared by Carrig Conservation International. The report outlines the history of the structures, their main architectural features, and an assessment of their current condition. The Conservation Strategy is aimed at returning the structures to an improved state of repair in accordance with best conservation practice. It is stated to be based on the principles of minimal intervention and sympathetic treatment of the existing fabric and concludes that the proposed development will not compromise the special interest nor have a detrimental impact on the existing protected structures. My assessment in relation to the main elements of the proposed development is outlined in the following paragraphs.

#### Conservation and repair work

7.3.2. The condition assessment has outlined deficiencies in relation to various elements of the house and its curtilage. It is proposed to remove the existing roof, salvage sound slate, repair damaged timbers, repair chimneys, replace cementitious render from the parapets with lime-based render, insert a breathable membrane, and re-roof the properties with salvaged/matching materials and PV panels. The existing substandard rainwater goods will be replaced with cast-iron replica goods. It is also proposed to refurbish the railings and steps to the front of the properties and the boundary walls. I would agree that these works are necessary and appropriate and will ensure the ongoing conservation of the properties.

7.3.3. I note that a substantial section of the dividing boundary wall would be removed to facilitate the rear extensions, which will clearly involve the loss of historic fabric. However, it is proposed that the fabric removed would be retained and reused elsewhere in the repair of the historic boundary walls. Despite the loss of historic fabric, I consider this to be an acceptable approach.

#### Lower ground floor excavation works

7.3.4. It is proposed to excavate the ground levels to the rear to facilitate the new extensions. A continuous piled wall system has been designed to the west of no. 15 (including the basement level) to protect the historic boundary and it has been demonstrated that the excavation to no. 16 will not be within the zone of influence on

the eastern site boundary wall. I am satisfied that the structural mitigation measures will satisfactorily protect the surrounding boundaries and that the excavation works will not seriously detract from the protected structures.

#### Works to lower ground level of no. 15

7.3.5. A range of internal works are proposed including the removal/installation of doors, and the removal of later partitions. These are generally later additions and I have no objection to their removal/alteration subject to the protection of original fabric as proposed. It is proposed to replace a previously removed staircase to the upper ground level and I consider this to be appropriate.

7.3.6. In the rear return, it is proposed to lower the floor level; to create a glazed wall to the west elevation; and to create a new door opening and connection to the new extension on the north elevation. The lowered floor level will facilitate an improved standard of accommodation and the walls will be underpinned for protection. I acknowledge that the glazed wall is larger than the existing openings, but it will be framed by the existing reveals and will largely replace modern additions. I would also accept that the northern connection is necessary to facilitate the extension and minimal intervention will take place.

#### Works to lower ground floor level of no. 16

7.3.7. More substantial works are proposed to the interior of no. 16 including the lowering of the floor level of the main house (c. 300mm); the removal of the dividing wall between the main rooms and other partitions; and the replacement of the existing stairs to cater for the lowered floor level. A window will also be removed and relocated to the upper ground floor level of no. 15.

7.3.8. I would concur with the concerns of the DCC conservation Officer regarding the extent of alterations proposed at this level. The existing ceiling height exceeds 2.4m and I do not consider that the lowered floor is justified, particularly given that it would also be largely responsible for the proposal for the stair replacement. I acknowledge that the existing stairs are steep, but I do not consider that the removal of important historic fabric is justified on these grounds. I also consider that the removal of the dividing wall unacceptably affects the room legibility and any such opening should be a maximum of 3 metres wide as suggested by the DCC Conservation Officer.

7.3.9. The proposed lower floor level to the rear return is acceptable given its existing limited height. Similar to no. 15, it is proposed to create a glazed opening to the side and a rear connection with the proposed extension. Again, I consider that these alterations are reasonable.

#### Proposed works to upper ground floor level of no.15

7.3.10. This level of the main house is largely unaffected. In the rear return, it is proposed to create a hallway with WC and to install/reinstate openings. I am satisfied that these works will reinstate some of the original character of the windows and that works will be suitably carried out to protect remaining historic fabric.

#### Proposed works to upper ground floor level of no.16

7.3.11. This level of the main house is largely unaffected. In the rear return, it is proposed to create a hallway with utility and to install some minor openings. I am satisfied that these works will be suitably carried out to protect remaining historic fabric.

#### Proposed works to first floor level of no.15 & 16

7.3.12. It is proposed to remove the later partition walls and to re-establish the position of the original partition between the front and rear rooms. A new door opening is proposed to the front bedroom, and it is proposed to insert historically matching doors, architraves and cornice. I consider that the proposals would restore the floor layout to its original configuration, notwithstanding the partitions in the rear rooms which are reversible. The chimneys, alcoves and windows would be suitably legible and protected, and new additions would be suitably matched.

#### Services

7.3.13. It is generally proposed to use existing service routes. Most intervention will occur at first floor level where bathrooms will be relocated. However, no service routes will affect historic cornices and no floorboards will be sawn. I consider that suitable best practice measures will be employed to ensure that historic fabric will be protected or repaired, including service runs affecting floors and walls.

#### The front of houses

7.3.14. In the interest of maintaining vehicular mobility, it is not proposed to reinstate the traditional dividing boundary to the front of the properties. I note that the DCC Conservation Officer has raised concerns in this regard. While I would accept that



boundary reinstatement would be desirable, it must also be acknowledged that the existing shared arrangement has been permitted (P.A. Reg. Ref. 0562/95 refers) and is a common feature in the area (including no.'s 17-20 to the east). Accordingly, I do not consider it reasonable to require the boundary reinstatement in this case.

- 7.3.15. The replacement of the bottom concrete steps with new steps to match the original would be a positive intervention. I also note the proposed removal of tarmac and the installation of landscaping including paving with a division marking the party boundary. I consider that this would improve the setting of the structures and would suitably reference the traditional boundary details.

#### New extensions

- 7.3.16. The design of the new extensions is largely based on the scale, form and materiality of the previously permitted proposal (P.A. Reg. Ref 2750/08). It is narrower than the existing main buildings and does not exceed the height of the existing rear returns i.e. below the first floor level. However, they are significant in length, extending c. 5.5 metres beyond the significant extensions that already exist to the rear no.'s 17-18.
- 7.3.17. The Design Report accompanying the application outlines that the concept aims to achieve a high-quality modern extension which discreetly compliments and enhances the existing protected structures. It aims to separate the extensions from the existing houses through the rear returns as links with new/relocated openings. The new extension is setback from the rear returns, with the connection below the eaves level allowing the returns to be read as part of the original protected structure. The extension finishes will have a reduced palette to avoid distraction from the existing structures. A dark stone cladding with contemporary detailing is proposed to the extension to distinguish it from the existing buildings. A sedum grass planted roof is also proposed to reduce the visual impact from within the existing house and surrounding properties.
- 7.3.18. In my opinion, the design concept for the extension is generally well considered. It proposes a simple and contemporary proposal which will be clearly distinguished from the character of the protected structures, which is consistent with best practice as outlined in the Architectural Heritage Protection Guidelines. The rear returns will provide a suitable transition between the extensions and the main buildings, while also providing a suitable buffer between the old and new development.

7.3.19. I acknowledge that the extensions are of considerable scale. However, they would be almost completely screened from view at the front of the site along Charleston Road. Clearly the extensions would be visible to the rear of the site. And while the proposed height is suitably maintained below the ridge of the rear returns and much of the development would be below the existing ground level, I acknowledge that the overall bulk and scale of the proposal is mainly generated by its significant length. I would have concerns about this length and scale in a context where there was a more consistent pattern of development. However, it must be acknowledged that there is a 3-storey extension of significant scale to the rear of no.'s 17-18 which, although c. 5.5m shorter, is significantly taller by c. 3 metres. The setting to the rear of no. 14 has also been significantly altered with the development of the 3-storey Charleston Court in the backlands. Between these two developments to the east and west of the appeal site, I consider that the proposed extension would constitute infill development of an acceptable scale and bulk which would have limited visibility and would not seriously detract from the setting or character of the protected structures or the wider conservation area.

#### Conclusion

7.3.20. In conclusion, I consider that the proposed approach is generally in accordance with best conservation practice guidelines. The proposed conservation and repair works are necessary to ensure the ongoing survival of this protected structure, which is a positive intervention. The internal works largely relate to the removal of later additions/partitions, which will also have a positive impact on the character and legibility of the buildings. I have concerns about the extent of alterations to the lower ground floor level of no. 16, but I am satisfied that these issues can be satisfactorily addressed and agreed through conditions. The proposal would result in significant improvements in terms of architectural heritage and would help to secure the immediate protection of the property. The proposed interventions are easily reversible in the event that further restoration of the building is proposed. The external works to the structures and their curtilage would not seriously detract from their character or special interest, and I consider that the proposed extension is acceptable in design and scale having regard to the scale and pattern of surrounding development. Accordingly, I consider that, subject to conditions, the impacts of the proposal on visual amenity and built heritage would be acceptable.

#### 7.4. The standard of residential amenity proposed

- 7.4.1 The proposal involves the provision of two substantial individual family residences with gross floor areas of 362m<sup>2</sup> (No. 15) and 302m<sup>2</sup> (No. 16). This comfortably exceeds the target gross floor areas for dwellings as set out in the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). I am also satisfied that the proposed houses contain adequate space in terms of individual/aggregate living areas, individual/aggregate bedroom areas, and storage space.
- 7.4.2. The design and layout of the proposed dwellings incorporates large openings and voluminous spaces which will provide an acceptable level of daylight, sunlight, and ventilation. The environmental performance of the existing buildings will be upgraded, and the proposed extension will comply with NZEB regulations, incorporating a high standard of thermal performance and appropriate sustainable design features.
- 7.4.3. The rear gardens would extend to areas of c. 80m<sup>2</sup> for each house. This would exceed the Development Plan standard of 10m<sup>2</sup> per bedspace, which also states that 60-70m<sup>2</sup> is sufficient for houses in the city. I acknowledge that the spaces are arranged over a series of levels and steps, which detracts from the usability of the area. In general, however, I am satisfied that the landscaping proposals are to a high standard and that the rear gardens will provide high-quality private amenity spaces.
- 7.4.4. Timber privacy fencing is proposed on top of the existing boundary walls to protect the privacy of the proposed gardens. While these intentions are understandable, I consider that the height and length of the proposed fencing is excessive and should be reduced and agreed through a condition of any permission.
- 7.4.5. Separate bin stores are proposed for each house in the front courtyard areas. While dedicated, accessible bin storage is encouraged, I consider the prominent locations to be inappropriate for the setting of the protected structures. Alternative proposals should be agreed by condition.
- 7.4.6. Having regard to the forgoing, I am satisfied that, subject to conditions requiring some amendments, the proposed development will result in the provision of two large family residences with a high standard of residential amenity.

## 7.5 Impacts on surrounding properties

### Overlooking and Privacy

- 7.5.1 Within the existing building, additional glazing is proposed at the garden level in the east and west-facing elevations of the rear returns. However, at this low level, the existing site boundary walls will adequately protect the privacy of adjoining properties. A new window is also proposed to the west elevation of the rear return to no. 15 at entrance level. However, this window would serve a hallway circulation space which would not have any significant overlooking potential, particularly compared to the existing use of the space as a kitchen.
- 7.5.2. Regarding the proposed extension, the proposed basement and garden levels will be sufficiently low as to ensure that the privacy of adjoining properties will be protected by the existing boundary walls. Furthermore, the first-floor level does not include any east or west-facing windows and the terrace to the rear of no.15 will be screened on its western side.
- 7.5.3. To the rear (north), the proposed extensions will be more than 11 metres from the shared site boundary with properties on Rugby Road. The separation distance between the Rugby Road houses would exceed 30 metres, which complies with the traditional separation distance of 22 metres as recognised in section 16.10.2 of the Development Plan.
- 7.5.4. Having regard to the foregoing, I do not consider that the proposed development would have any unacceptable overlooking or privacy impacts on surrounding properties.

### Construction disturbance

- 7.5.5. The potential for some level of disturbance to surrounding residents during the construction phase will always arise in urban environments. However, the subject site and adjoining lands are zoned lands located in a suburban area where temporary construction disturbance is common and should be accommodated. In this regard I consider that a suitable Construction Management Plan would identify measures to avoid nuisance impacts arising to neighbouring residents, including traffic management. The details of such a plan would be subject to agreement with the Planning Authority prior to commencement of development, and as such, I am

satisfied that these matters can be satisfactorily addressed by way of a planning condition.

- 7.5.6. I note the concerns raised by the appellant about potential property/boundary damage as a result of the proposed works. However, I am satisfied that the applicant has submitted suitable details of construction methodology including a piling system for the proposed basement and underpinning of existing walls. It has also been demonstrated that excavation works in the vicinity of the eastern site boundary will not be within the zone of influence of the boundary wall. I am satisfied that the structural mitigation measures will satisfactorily protect the surrounding boundaries and properties.

#### Daylight and Sunlight

- 7.5.7. The Development Plan highlights the value of daylight and sunlight and states that development 'shall be guided by the principles of' the BRE guide 'Site Layout Planning for Daylight and Sunlight'. At the outset I would highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application, with paragraph 1.6 stating that 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.5.8. The application included the submission of a 'Daylight & Sunlight Assessment' report, prepared by the '3D Design Bureau'. The report states that all target values used in the study were obtained with reference to the BRE guide 'Site Layout Planning for Daylight and Sunlight'. The assessment contains a 'light from the sky' (VSC) and a sunlight analysis of impacts of the open spaces/gardens of neighbouring properties. No Annual Probable Sunlight Hours assessment was carried out based on the opinion that none of the assessed windows face within 90 degrees of due south.
- 7.5.9. I have considered the report submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice

(2011). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the daylight/sunlight concerns raised in the appeal.

- 7.5.10. The BRE guide acknowledges that, in designing new development, it is important to safeguard the daylight to nearby buildings and I note that the Development Plan also outlines the need to avoid excessive impacts on existing properties. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that a VSC greater than 27% should provide enough skylight and that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building would notice the reduction in the amount of skylight.
- 7.5.11. The applicant's VSC assessment covers the surrounding windows which face the proposed development, including the side elevation of 1-9 Charleston Court; the rear elevation of 10-15 Charleston Court; the side/rear of 14 Charleston Road; and the side/rear of Sherborne Court. The report assessed a total of 59 windows. In the case of 58 of these windows, the VSC value would either remain above 27% or more than 0.8 times its former value. This deemed to be compliant with BRE standards and the effect is assessed as 'imperceptible'. In just one case (window 0e in Sherbourne Court), the VSC value would be below 27% (i.e. 20.5%) and would be less than 0.8 times its former value (i.e. 0.7 times). The applicant classifies this as a 'slight' impact, and I would concur with this assessment given that it only marginally fails to retain 0.8 times its former value and is a relatively small opening. Regarding the appellant's concerns, I note that there will be a reduction in daylight to the existing window (0f) but it will still retain 0.86 times its former value, which is compliant with BRE standards. I also note that the appellant's door is solid and would not be affected by daylight.
- 7.5.12. Regarding sunlight impacts on windows, the BRE guide states that living room windows facing within 90° of due south may be adversely affected if the centre of the window receives less than 25% of APSH or less than 5% of WPSH; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of APSH. In this case, the

applicant has not included an Annual Probable Sunlight Hours assessment based on the opinion that none of the assessed windows face within 90 degrees of due south. I would concur with this position and agree that no further annual or winter probable sunlight assessment is required.

- 7.5.13. I note the concerns raised by the appellant regarding sunlight impacts on her main window and door. Again, I do not consider that there will be any impacts on the solid door. And while the shadow study shows that there would be some additional overshadowing of the window, I consider that this would be limited to the very later hours of evening sunshine and would not significantly exacerbate the existing baseline situation.
- 7.5.14. The applicant has carried out a shadow/sunlight assessment for the gardens/amenity spaces of surrounding properties at 10-15 Charleston Court and 12-15 Rugby Road. The BRE guide recommends that for it to appear adequately sunlit throughout the year, at least half of the space should receive at least 2 hours of sunshine on 21st March. If as a result of new development this cannot be met, and the area which can comply is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable.
- 7.5.15. The applicant's analysis shows that at least 79% of space in all gardens would receive at least 2 hours of sunshine on 21st March and no garden would be reduced to less than 0.89 times its former value. I would therefore concur that the impact would be 'imperceptible' and acceptable in accordance with BRE guidance.
- 7.5.16. I note the appellant's concerns about sunlight impacts on the external area outside her entrance door. Although this area may be casually or occasionally used for seating, there is no formal garden/amenity space at this location and the area primarily functions as circulation/access space. Notwithstanding this, the shadow study shows that the area would only be marginally affected after 16:00 hours on the 21<sup>st</sup> March and I do not consider that the effects would be excessive.
- 7.5.17. There is a small garden / amenity space at the extreme rear of Sherbourne Court, albeit that it is already substantially overshadowed by existing tree cover. The applicant's assessment has not quantified the extent or duration of sunlight impacts on this area. However, having reviewed figure 5.5 of the applicant's report, I am

satisfied that (excluding existing tree cover) almost all of this space would be capable of receiving more than 2 hours of sunshine on the 21<sup>st</sup> March.

7.5.18. In conclusion, I again highlight that the mandatory application of the BRE standards is not required in this case by the Development Plan or by Section 28 Ministerial guidelines. Consistent with that approach, the BRE guide itself highlights further the need for flexible interpretation in the context of many other design factors. I am satisfied that the applicant has carried out an assessment of impacts on neighbouring properties and that it has been competently prepared in accordance with the BRE guidance and methodology. The proposed development would be acceptable in accordance with BRE guidance and would not excessively detract from the amenities of surrounding properties by reason of daylight/sunlight impacts.

#### Overbearing

7.5.19. The potential for overbearing impacts is largely driven by the scale and height of a proposed development and its proximity to surrounding properties. In my assessment, I have acknowledged the significant scale of the proposed extension. However, a significant bulk at basement and garden level will be screened from surrounding properties, which will reduce the impact of the development. I acknowledge that the entrance level will be visible and that it extends for a significant length to the rear of the site. However, given its location between the 3-story blocks to the east and west of the site (i.e. Charleston Court and Sherbourne Court) I consider that the proposed infill development will not be excessive in height, bulk, or scale, and will not result in any unacceptable overbearing impacts.

#### Property Value

7.5.20 The appeal raises concerns that the proposed development will devalue property due to its excessive scale and loss of green space. Having regard to my assessment as outlined in previous paragraphs, I do not consider that the proposal would detract from the visual amenity or character of the area, nor would it result in unacceptable impacts on residential amenity in terms of privacy, sunlight/daylight, disturbance, or otherwise. Accordingly, I see no evidence that the proposed development would have any impacts that would adversely affect the value of property in the vicinity.



## Conclusion

7.5.21. Having regard to the foregoing, I do not consider that the proposed development would detract from the residential amenities of surrounding properties in any significant or unacceptable way. Accordingly, I have no objections in this regard.

## 7.6 **Other Issues**

7.6.1 It is not proposed to alter the existing entrance and parking arrangements to the site, which were permitted in accordance with P.A. Reg. Ref. 0562/95. The site is within Parking Zone 2 of the Development Plan, where a maximum of 1 space per dwelling applies. However, section 16.38 of the Development Plan does allow exceptions to this standard and I am satisfied that it is appropriate in this case given the substantial size of the dwellings and the currently established parking arrangements. Given that there will be no significant change to access and parking arrangements, I do not consider that there will be any significant impacts on the road network or traffic safety and convenience.

7.6.2. In response to section 16.10.15 of the Development Plan, the application addresses the impacts of the proposed basement. In this regard, I note that:

- The basement area does not exceed the footprint of the existing buildings or 50% of the amenity/garden space.
- There is no significant tree planting on site and a high-quality landscaping proposal is included.
- A flood risk assessment has been completed which concludes that the site is in Flood Zone C (low risk) and no potential impacts on underground flows have been identified.
- SuDs measures are proposed to include a 'green roof', permeable paving, hydro-brake, and attenuation chamber. The measures will reduce the volume of rainwater leaving the site, thereby reducing the strain on the public sewer capacity during storm events.
- The application includes a risk assessment to ensure that no damage would be caused to adjoining structures. This includes underpinning the existing walls and a piled wall system to the extension to no. 15.

- The basement includes a north-facing glazed wall with access to a terrace that will receive daylight/sunlight from the east and west. A glazed southwest corner at the garden level will also bring light into the stairwell serving the basement.
- A Mechanical Ventilation with Heat Recovery system will be installed through the new extension to provide adequate ventilation.
- Adequate means of escape will be facilitated via a protected stair at garden level and direct access to the rear garden.

7.6.3. Having regard to the above, I consider that the impact of the proposed basement is acceptable will not adversely detract from the special interest or character of the protected structures or the wider conservation area.

## 8.0 Appropriate Assessment

Having regard to the minor scale 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.

## 9.0 Recommendation

I recommend that permission should be **granted**, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the established use and condition of the property, the design and scale of the development and the pattern and character of development in the vicinity, the policies of the Dublin City Development Plan 2016 – 2022 including the Z2 conservation area zoning objective for the area, and national guidance including the '*Architectural Heritage Protection Guidelines for Planning Authorities*' issued by

the Department of Arts Heritage and the Gaeltacht (2011), it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the character of these protected structures or the wider Z2 conservation area, would provide an acceptable level of residential amenity for the future occupants, and would not seriously injure the amenities of adjacent property. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The proposed development shall be amended as follows:
  - (a) The lower ground floor level of number 16 shall not be lowered, except within the rear return section.
  - (b) The stairs between the lower and upper ground floor levels in number 16 shall be retained.
  - (c) The opening in the dividing wall between front and rear rooms at the lower ground floor level of number 16 shall be a maximum width of 3 metres.

- (d) The level of the new fencing on the boundary walls shall be a maximum height of 1.8 metres above the upper garden terrace levels. The length of the fencing shall be a maximum of 6 metres from the rear site boundary.
- (e) The bin stores and air to water heat pumps shall be relocated to a location behind the front façade of the buildings.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In order to protect the character of the protected structures.

- 3. The existing dwellings and proposed extensions shall be jointly occupied as single residential units and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the existing buildings.

**Reason:** To restrict the use of the extensions in the interest of residential amenity.

- 4. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

- 5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. 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/dust management measures, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site 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.

(b) All repair 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 issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building

structure and/or fabric. Items that must be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

(d) The installation of alarms, as well as any other security or communication devices, shall be designed to protect the architectural integrity of the building.

Prior to the commencement of development, details of the procedures to be followed in respect of the above, including proposals with respect to work methodologies, services installation, doors, floors, ceilings and windows shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To ensure that the integrity of the protected structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

9. 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

the An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** 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

---

Stephen Ward  
Senior Planning Inspector

2nd August 2022