



An
Bord
Pleanála

Inspector's Report

ABP-312100-21

Development

Planning permission is sought for a new second floor level to No. 2 St. Aidan's Park Road matching the same roof profile of 30 Marino Mart. The new second floor space will consist of 1 no. new bedroom, bathroom, home office & balcony to the rear of the building and all ancillary works.

Location

No. 2 St. Aidan's Park Road, Dublin 3.

Planning Authority

Dublin City Council North.

Planning Authority Reg. Ref.

3055/21.

Applicant(s)

Jackie Sexton.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party

Appellant(s)

Jackie Sexton.

Observer(s)

None.

Date of Site Inspection

11th day of February, 2022.

Inspector

Patricia-Marie Young.

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 4 |
| 3.1. Decision | 4 |
| 3.2. Planning Authority Reports | 4 |
| 3.5. Prescribed Bodies | 5 |
| 3.6. Third-Party Observations | 5 |
| 4.0 Planning History..... | 6 |
| 5.0 Policy & Context | 6 |
| 5.1. Development Plan..... | 6 |
| 5.2. Natural Heritage Designations | 7 |
| 5.3. EIA Screening | 7 |
| 6.0 The Appeal | 7 |
| 6.1. Grounds of Appeal | 7 |
| 6.2. Planning Authority Response | 7 |
| 6.3. Observations | 8 |
| 7.0 Assessment..... | 8 |
| 8.0 Recommendation..... | 13 |
| 9.0 Reasons and Considerations..... | 14 |

1.0 Site Location and Description

1.1. No. 2 St. Aidan's Park Road, the irregular shaped appeal site has a stated 72m² area and it contains a two-storey building with a retail unit (Ink House Studios) at ground floor level with a separate access providing connection to an apartment unit at first floor level over. The site is located on the southern side of Saint Aidan's Park Road just to the north west of its junction with the complex and heavily trafficked junction of Malahide Road (R107), Marino Mart, Marino Crescent and Clontarf Road. It is also located c40m to the south east of Haverty Road and c23m to the north west of the aforementioned Malahide Road. The immediate context is a mixture of land uses with the residential predominating as one journeys north westwards along Saint Aidan's Park Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for a new second floor plan on No. 2 St. Aidan's Park Road matching the same roof profile of 30 Marino Mart. The new second floor space is comprised of 1 no. new bedroom, bathroom, home office & balcony to the rear of the building together with all ancillary works.
- 2.2. According to the planning application form the floor area to be retained within the site is given as 106m² and the floor area of new buildings is given as 53m², thus giving rise to a total floor area of 159m². In addition, the proposed plot ratio is given as 0.6 and the proposed site coverage is given as 1.65. In addition, this application is accompanied by a letter of consent from the City Council that indicates that they have no objection to the inclusion in a planning application for No. 2 St. Aidan's Park as fee simple owner.
- 2.3. On the 14th day of October, 2021, the Planning Authority received the applicant's response to the further information request. This included a letter from the applicant indicating that they wished to proceed with the mansard roof as any other option they did not like. The drawings submitted with this response show a timber fence to be erected at a position setback from the side window of No. 30 Marino Mart. No height dimensions are provided for this addition.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th day of November, 2021, the Planning Authority decided to refuse planning permission for the proposed development set out under Section 2.1 above for the following single stated reason:

“Having regard to Section 16.2.2.3 of the Dublin City Development Plan 2016-2022, the proposed mansard roof to the second floor level will have an adverse impact on the uniformity and rhythm of the set-piece group of buildings on Marion Mart (which is recorded on the National Inventory of Architectural Heritage) and as such will detract from the architectural features and character of these group of buildings and therefore negatively impact the townscape character of the Marino and Fairview area. The proposed development would therefore, seriously injure the amenities of the property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.3. Planning Reports

- 3.3.1. The **final Planning Officer’s report**, dated the 10th day of November, 2021, is the basis of the Planning Authority’s decision to refuse planning permission. It includes the following comments:

- In relation to Item No. 1 the applicant wishes to proceed with the mansard roof design as submitted.
- In relation to Item No. 2, the revised plans indicate that the existing side window to No. 30 Marino Mart will remain and that a new timber fence would be positioned 750mm from the window of the adjoining property. Concern is raised that no height is given for this timber fence and that this fence has the potential to reduce daylight and appear overbearing as viewed from the adjoining property.
- The applicant has come to no arrangement with No. 30 Marino for the proposed development.

- The minor revisions made by way of the further information do not address the Planning Authority's concerns and therefore refusal is recommended.

3.3.2. The **initial Planning Officer's report**, dated the 20th day of August, 2021, includes the following comments:

- It is noted that the adjoining property No. 30 Marino Mart forms part of a series of buildings which form the prominent and characteristic streetscape of Marino and that they are listed in the NIAH register. These buildings were designed and completed as an entity and the extension of the mansard roof over No. 2 would adversely impact upon their uniformity and rhythm. It would also adversely detract from the architectural features and over all character of this group.
- The planning history of the site includes refusal for a mansard roof over.
- A more contemporary design would have been more appropriate in this context.
- A coherent and integrated approach for any above first floor level extension should be had with No.s 4 and 6 Saint Aidan's Terrace to maximise these buildings in a manner that would be appropriate to a District Centre.
- There is no consent from No. 30 the adjoining property to the south to remove a kitchen window to its north western elevation.
- It is recommended that the balcony space be reduced in size and provide screening measures to reduce adverse overlooking that would arise.
- This report concludes with a request for additional information.

3.4. **Other Technical Reports**

3.4.1. **Drainage:** No objection subject to safeguards.

3.5. **Prescribed Bodies**

3.5.1. None.

3.6. **Third-Party Observations**

3.6.1. During the course of the Planning Authority's determination of this application it received one Third-Party Observation. This observation was submitted by the owner

of No. 30 Marino Mart, the adjoining property to the south and it can be summarised as follows:

- The submitted drawings indicate a 2-storey office room at 30 Marino Mart. This is incorrect as this space is a kitchen dining area forming part of a residential apartment.
- The applicant has no consent to remove the window from the gable of their property.
- No provision has been made to accommodate an existing air and extractor vents.
- There are no details showing a fire break or fire mitigation measures between the proposed second floor level and their property.
- There is no permission to connect to their property.
- This proposal is objected to until a time as the applicant resolves these issues.

4.0 Planning History

4.1. Site:

- 4.1.1. **P.A. Ref. No. 1306/86:** Split decision under which planning permission was **granted** for the change of use from residential to office at first floor level and planning permission was **refused** for the addition of a second-floor level for office. The reason for refusal states: *“The proposed addition of a second floor with mansard roof to this property would be incompatible with and detract from the design and unit of the adjoining terrace in Marino Mart, which is considered to form a distinct element in the streetscape and would therefore be seriously injurious to the visual amenity of the area”*.
- 4.1.2. **P.A. Ref. No. 1305/86:** Planning permission was **granted** for the change of use from residential to office at first floor level.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Council Development Plan, 2016-2022. The site is located in an area zoned Z4 with the following objective: *“to provide*

for and improve mixed-use facilities". This zoning extends to the immediate three properties adjoining the appeal site to the north, includes Marino Mart as well as extends in a westerly direction along Fairview Road.

5.1.2. Section 14.8.4 of the Development Plan sets out the vision for District Centres.

5.1.3. Section 16.2.2.3 of the Development Plan deals with alterations and extensions.

5.2. **Natural Heritage Designations**

5.2.1. The site is located c600m to the north of South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) at its nearest point.

5.3. **EIA Screening**

5.3.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, 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 First Party Appellants grounds of appeal, received by the Board on the 2nd day of December, 2021, and can be summarised as follows:

- The appellant is disappointed with the outcome of this application.
- They love where they live and wish to extend their home in a manner that is in keeping with the streetscape.
- The Board is sought to overturn the decision of the Planning Authority.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

- 7.1. Having read the file, conducted an inspection of the site and its setting alongside having had regard to all relevant planning provisions I am satisfied that the main issues raised in this case are those raised in the grounds of refusal by the First Party Appellant and I concur with the Planning Authority's Planning Officer that the proposed principle of the proposed development is generally acceptable on 'Z4- District Centre' zoned lands, subject to safeguards.
- 7.2. In this regard, I note that the proposed development which consists of a new second floor level over an existing ground floor retail unit with an apartment unit over was refused planning permission by the Planning Authority for reasons relating to the adverse impact of the proposed mansard roof on the uniformity and rhythm of the architectural set piece known as Marino Mart.
- 7.3. It was also considered that the proposed development would detract from its architectural features and character of this group of buildings as appreciated from its streetscape scene. As such the proposed development, if permitted, would seriously injure the amenities of property in the vicinity and would for these reasons be contrary to Section 16.2.2.3 of the Development Plan.
- 7.4. The appellant seeks that the Board overturn the Planning Authority's decision to refuse planning permission. In their appeal submission they indicate that they are upset with the Planning Authority's decision and that they love where they live and wish to extend their home in a manner that would be in keeping with the streetscape. On this basis they seek that the Board grant permission for the proposed development sought under this application.
- 7.5. I note to the Board that the Planning Authority afforded an opportunity to the applicant to revise the proposed development by way of a further information request. This request comprised of two items. The first item advised the applicant that the Planning Authority considered that the mansard roof at second floor level was not acceptable

and that it would have an adverse impact upon the uniformity and rhythm of the adjoining set piece of Marino Mart.

- 7.6. In this regard, I note that No. 30 Marino Mart adjoins the southern boundary of the site.
- 7.7. This further information request item therefore requests the applicant to submit an alternative proposal which would not detract from the architectural quality of the adjoining building and sought that this alternative proposal have regard to the high architectural quality of this prominent location in the interests of built heritage.
- 7.8. It indicates that the proposal should: “*not appear as pastiche, a more contemporary approach may be appropriate*” and that the works should include works to the ground and first floor level to enhance the visual appearance of the subject site so as to allow it to integrate appropriately with the existing building and its setting.
- 7.9. In response to this request the applicant declined to make any revisions or alterations to the proposed design. With the applicant indicating that they did not like any of the alternative options and wished to maintain the mansard design as sought in their application as submitted to the Planning Authority.
- 7.10. I share the Planning Authority’s concern and their Planning Officer in that the mansard roof by seeking to replicate the mansard roof of the adjoining property immediately bounding it would diminish the legibility of this 1920s architectural set piece that occupies a prominent and highly visible location on the heavily trafficked junction of heavily trafficked junction of Malahide Road (R107), Marino Mart, Marino Crescent and Clontarf Road that No. 2 St. Aidan’s Park Road. Due to the subject property immediately adjoining this junction arrangement, the building to space relationship through to the generous width of the Clontarf Road, Marino Mart and Fairview Road which coalesce at this point which makes No. 2 St. Aidan’s Park highly visible in its streetscape context.
- 7.11. This is further enhanced by Marino Crescent Park and the architectural set piece of Marino Crescent to the east through to the number of buildings of acknowledged architectural merit that contribute to the unique and intrinsic character as well as quality of this streetscape scene with the mis-match of the ground and first floor level of No. 2 St. Aidan’s Park, if permitted, adding to built insertions in this scene that are visually jarring due to their lack of respect and harmony to the existing building they form part of and the character as well as quality of the dominant built features within

this streetscape scene. This I consider is particularly evident in terms of the non-complimentary treatment of the ground and first floor level façade of the subject property together with the lack of harmony and rhythm between the solid to void relationship of the existing and that proposed.

- 7.12. In relation to Marino Mart itself, it is not only a period set piece of three storey red brick properties whose distinctive mansard roof is a feature that is highly distinct within its streetscape scene and with its visible legibility added to by the fact that the adjoining properties of No.s 2, 4 and 6 St. Aidan's Park Road to the north consist of a later group of two storey flat roofed terrace properties. These adjoining properties have a maximum height of 6.43m whereas the adjoining Marino Mart period properties have an overall maximum height of 10.486m.
- 7.13. The proposed mansard shaped two storey addition proposed indicates that No. 2 St. Aidan's Park Road would maintain its slightly higher eaves height than that of adjoining No. 30 Marino Mart and the drawings indicate that the new roof profile would match that of No. 30 Marino Mart but there is no indication that the materials, finishes and treatments would also match that of No. 30 Marino Mart.
- 7.14. In addition, the drawings show that the chimney stack would be raised so that it would project 0.6m above the proposed maximum 10.486m height of the proposed mansard roof (Note: 11.086m). This chimney stack would be c0.3m higher than the redbrick chimney stacks of No. 30 Marino Mart (Note: the surviving original chimney stacks of the two terrace groups of Marino Mart include detailed brick projecting band through to pots). Of additional concern the drawings simply indicate that the existing chimney stack would be simply raised. With the existing chimney stack consisting of a rendered finish capped with a metal crows' nest. If pastiche of the mansard roof structure is being sought under the design of the second floor level then this further adds to the visual incongruity of the design when taken together with the appearance of the ground and first floor level of the subject property.
- 7.15. Moreover, as pointed out in the Planning Officers report the amendments made to the original mansard roof over No. 30 Marino Mart which changed its side profile from hipped to gable has diminished the architectural integrity of this set piece and it would support the reinstatement of original mansard roof structure shape over No. 30 Marino Mart should the opportunity present for this in the future.

- 7.16. As such to continue on the mansard roof with a gable side would together with the ground and first floor elevation appearance and expression not being of a similar, respectful through to a harmonious character to Marino Mart or a period structure that would contain a mansard roof would further add to the proposed design resolutions visual incongruity whilst being a design approach that is poorly considered and would diminish the legibility and eroding the setting of the Marino Mart set piece. This in turn would diminish the positive visual contribution of Marino Mart to the character, quality, and sense of place of its streetscape scene.
- 7.17. Having regard to Section 16.2.2.3 of the Development Plan referred to by the Planning Authority I am cognisant that this deals with the matter of alterations and extensions. As such it is of particular relevant to this appeal case. It sets out that alterations and extensions should ensure that the quality of the townscape character of buildings and areas is retained and enhanced. It also sets out that the Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building and its context.
- 7.18. Further it also sets out that extensions should be subordinate to the existing building in scale and design through to that the uniformity of terraces or groups or roof forms of historic interest that contribute to the local character and are distinctive should not be lost as a result of such developments.
- 7.19. The proposed second floor level is not consent with Section 16.2.2.3 of the Development Plan.
- 7.20. Moreover, its inconsistency with Section 16.2.2.3 of the Development Plan is in my view further heightened by the built heritage sensitivity of the site's immediate setting and visual context with Marino Mart is listed in the NIAH Register as being rated 'Regional' and categories of special interest: 'Architectural' as well as 'Social'.
- 7.21. It is also described in the NIAH register as a "*corner sited group of eleven two-storey retail outlets, mainly built 1925 (bank built 1928) arranged in two groups of four buildings to east and seven to south, having attic accommodation, central pediments to middle of each block, angled corner bay to southeast block and shopfronts to ground of both blocks; grouping is mirrored to west, with Marino College in between. Oversailing sprocketed mansard roofs with dormer windows, dentillated eaves course and cast-iron rainwater goods, and red brick chimney stacks with concrete copings*

and clay pots to west, southwest and south blocks. Red brick walling to the front elevations...”.

- 7.22. Its appraisal in the NIAH register states: *“a purpose-built commercial development with residential accommodation over, designed by the firm of Donnelly, Moore and Keating, to cater for the expanding residential suburb of Marino. The angled bay attractively addresses the corner and is marked by a higher level of architectural design, evident also at the breakfront. The shops to the ground floor have been modernized over time, but many architectural elements, such as the brick piers and brackets, are retained, contributing to the uniformity of the composition”.*
- 7.23. It also forms part of a streetscape scene that includes a wealth of other important built heritage buildings and features including but not limited to the Georgian Terrace group of Marino Crescent through to a highly embellished and ornate Electricity Substation that dates to c1895 that now lies in the northern portion of the complex junction of St. Aidan’s Park Road, Malahide Road (R107), Marino Mart, Marino Crescent and Clontarf Road. As a streetscape setting it contains not only mature natural features in terms of the number of trees present but it also contains a collection of period buildings, including a number that are afforded protection under the Development Plan as Protected Structures.
- 7.24. Moreover, I concur with the Planning Authority in that there would be merit that any consideration for an addition of a second-floor level should be consistent with the provisions set out in Section 16.2.2.3 of the Development Plan given the built heritage sensitivity that a coherent approach for No.s 2, 4 and 6 St. Aidan’s Park Road would be appropriate and that any such design should avoid pastiche, be reflective of its time through to provide a light weight and subordinate resolution that ensures Marino Mart legibility and integrity is not further eroded or diminished from inappropriate developments through to seeks to ensure qualitative improvement in terms of how these three two-storey buildings address their streetscape scene in a more positive manner.
- 7.25. Based on the above considerations I concur with the reasons given by the Planning Authority for refusal, that the proposed development, would seriously injury the visual amenities of its setting in a manner that would be inconsistent with the Development Plan.

7.26. Other Matters Arising

- 7.26.1. **Planning History:** I note to the Board that the Planning Authority refused a mansard roof over No. 2 St. Aidan's Road Dublin under P.A. Ref. No. 1306/86 on the basis that such an addition would be incompatible with and detract from the design of the adjoining Marino Mart which is a distinct element within the streetscape and would seriously injure the visual amenity of the area. I therefore consider that this proposal has failed to have regard to the planning history of the site though this decision relates to a historic application for planning permission the contribution of Marino Mart to the quality and character of its streetscape remains through to the provisions for extensions to property's have become more robust.
- 7.26.2. **Civil Matters:** There is a lack of clarity provided by the applicant in this case that they have sufficient legal interest to carry out the works as proposed. I also note that the adjoining property owner indicated in a submission to the Planning Authority that they have not given consent for any works to be carried out that would interfere with their gable elevation. Should the Board be minded to grant permission I recommend that it include an advisory note setting out Section 34(13) of the Planning and Development Act, 2000, as amended. This states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.
- 7.26.3. **Residential Amenity:** Should the Board be minded to grant permission for the proposed development the manner in which the applicant by way of their response to the Planning Authority's further information to address overlooking is substandard and requires addressing by setting back the balcony structure from No. 30 Marino Mart through to requiring a more innovative design response to safeguard and protect the residential and visual amenities of this adjoining historic building.

8.0 Recommendation

- 8.1. I recommend that permission be **refused**.

9.0 Reasons and Considerations

1. Having regard to Section 16.2.2.3 of the Dublin City Development Plan, 2016-2022, the proposed mansard roof to the second floor level will have an adverse impact on the uniformity and rhythm of the set-piece group of buildings on Marion Mart (which is recorded on the National Inventory of Architectural Heritage) and as such will detract from the architectural features and character of these group of buildings and therefore negatively impact the townscape character of the Marino and Fairview area. The proposed development would, therefore, seriously injure the amenities of the property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector - 14th day of February, 2022.