



An
Bord
Pleanála

Inspector's Report

ABP-312340-21

Development

Removal of the existing external concrete staircase. Construction of a two storey extension. Construction of a single storey extension. Installation of a new internal staircase. Provision of a dormer window. Installation of ten number rooflights. Installation of a new steel and glass balcony and staircase. Related internal alterations.

Location

41, Laverty Court, Quinn's Lane,
Dublin 2, D02 H348.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3105/21

Applicant(s)

Rebecca Yates and Charles Von
Metzradt

Type of Application

First Party Appeal

Planning Authority Decision

Grant Permission

Type of Appeal

First Party

Appellant(s)	Rebecca Yates and Charles Von Metzradt.
Observer(s)	None.
Date of Site Inspection	27.09.2022
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1.1. The subject appeal site, with stated site area of 198 sq. m, is located at 41 Lavery Court, Quinn's Lane, Dublin 2. It comprises a two storey mews dwelling located at the rear and west of 41 Fitzwilliam Square West (a protected structure).
- 1.1.2. The subject property is in poor condition. There are a number of mews dwellings and garages located along Lavery Court.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following works:
 - Removal of the existing external concrete staircase.
 - Construction of a two-storey extension to the front to contain study, utility, a bedroom and two bathrooms.
 - Construction of a single storey extension to the front to form a new entrance to the ground floor garage/workshop and to provide an external deck to the front for the first floor living spaces.
 - Installation of a new internal staircase to provide access to first and attic levels.
 - Provision of a dormer window to the front at attic level in the existing roof to light and ventilate the proposed attic study.
 - Installation of ten number rooflights to light and ventilate various rooms at ground, first floor and attic level.
 - Installation of a new steel and glass balcony and staircase to the rear accessing the rear garden from first floor.
 - Related internal alterations.

3.0 Planning Authority Decision

3.1. Decision

Grant Planning Permission subject to 7 number conditions.

C1. Standard Condition

C2. The following Conservation requirements of the Planning Department shall be complied with:

- a) The proposed dormer window to the front of the coach house shall be omitted from the proposal and a revised proposal which show conservation rooflights / studio lights incorporated into the rear slope of the coach house shall be submitted to and agreed in writing prior to the commencement of development.
- b) The proposed parapet walls proposed between the boundary walls and the new extension shall be omitted as they would cause serious injury to the setting of the historic coach house. Drawings indicating the roof of the new extension as a plain hipped roof rather than a parapet roof with hipped roof built against, shall be submitted to and agreed in writing prior to the commencement of development.
- c) The new front porch shall be omitted from the proposal. The applicant shall submit revised drawings, to be agreed in writing prior to the commencement of development, which indicate the new workshop doors within the front elevation that shall be of high quality and of a detail appropriate to the significance and special architectural character of the historic coach house building.
- d) The applicant shall submit 1:10 details of the roof junction between the historic coach house and the two-storey extension showing the eaves height of the new extension reduced to be lower than the eaves height of the historic coach house, in order to protect the historic roof line of the coach house. These drawings shall be submitted to and agreed in writing prior to the commencement of development.
- e) The introduction of the windows as proposed with overly thick frames and insensitive fenestration detailing is not supported. The introduction of new windows would be considered where well detailed and where they would enhance the special architectural character of the mews house. Prior to the commencement of development, the applicant shall submit 1:10 drawings of the proposed new windows and doors across the scheme, considering one of the following three potential options:
 - i. Consideration for the extant steel windows to be retained, repaired and upgraded.

ii. Consideration for the extant steel windows to be replaced on a like for like basis with a thermally broken crittal style window.

iii. Consideration for the introduction of new timber sash windows, that would be historically correct timber sash windows, accurately based on originals.

Details of the proposed new windows and glazing should be submitted.

f) All proposed rooflights shall be conservation rooflights.

g) New roof materials shall be a blue black natural slate.

h) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

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

j) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

k) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

l) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: To ensure that the integrity of the protected structure is maintained and that the proposed repair works are carried out in accordance with good conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

C3. Restricts construction hours.

C4. Noise control

C5. Roadways to be kept clear and clean.

C6. Drainage

C7. The attic space shall not be used for human habitation unless it complies with the current building regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report is summarised as follows:

- The refurbishment and continued residential use of the mews dwelling is welcomed by the planning authority. However, there are concerns significant alterations are proposed to the mews dwelling that would be unsympathetic from a conservation standpoint and as a result, additional information was be sought to address the concerns raised by the Conservation Officer.
- The applicant was requested to submit the following to address the concerns raised by the Conservation Officer:
 - a) The proposed dormer window to the front of the coach house should be omitted from the proposal and a revised proposal that would show conservation rooflights / studio lights incorporated into the rear slope of the coach house should be submitted.
 - b) The applicant should submit 1:10 details of the roof junction between the historic coach house and the two-storey extension showing the eaves height of the new extension reduced to be lower than the eaves height of the historic coach house, in order to protect the historic roof line of the coach house.
 - c) The proposed parapet walls proposed between the boundary walls and the new extension should be omitted as they would cause serious injury to the setting of the historic coach house. The roof of the new extension should be a plain hipped roof rather than a parapet roof with hipped roof built against. New roof materials should be a blue black natural slate.

d) The new front porch should be omitted from the proposal. The applicant should submit revised drawings including further detail of the new workshop doors within the front elevation that should be of high quality and of a detail appropriate to the significance and special architectural character of the historic coach house building.

e) The proposed new balcony / external staircase to the rear of the coach house should be omitted. The applicant should submit a revised proposal showing access from the residential unit to the rear garden provided internally, and the extant window arrangement at first floor (leading from the proposed kitchen) retained.

f) The introduction of new timber / aluminium / uPVC casement windows with overly thick frames and insensitive fenestration detailing is not supported. The introduction of new windows would be considered where well detailed and where they would enhance the special architectural character of the mews house. The applicant should submit 1:10 drawings of the proposed new windows and doors across the scheme, considering one of the following three potential options:

i. Consideration for the extant steel windows to be retained, repaired and upgraded.

ii. Consideration for the extant steel windows to be replaced on a like for like basis with a thermally broken crittal style window.

iii. Consideration for the introduction of new timber sash windows, that would be historically correct timber sash windows, accurately based on originals. Details of the proposed new windows and glazing should be submitted.

g) The applicant should confirm if repointing of the brickwork is proposed. If so, a detailed methodology for the proposed repointing should be submitted.

h) All proposed rooflights should be conservation rooflights. The applicant should submit revised drawings.

- Subsequent to F.I being received, the PA report again acknowledges that the refurbishment and continued residential use of the mews dwelling is

welcomed, however there are a number of concerns which can be addressed by attached conditions. The 2 storey extension and refurbishment of the building is considered acceptable in this instance, however the inclusion of conditions to omit the porch extension and the dormer extension is considered appropriate, in the interests of safeguarding the historic character and legacy of the mews building and the surrounding context.

3.2.2. Other Technical Reports

- Drainage Division Report: No objection subject to condition.
- Conservation Officer: Subsequent to FI, no objection subject to condition.

3.3. Prescribed Bodies

- None on File.

3.4. Third Party Observations

3.4.1. Two letters of support from neighbouring properties on Laverty Court.

- Strongly promote this application.
- This site has laid pretty much vacant for 30 years and due to the neglect the small apartment and walls are an eyesore on what is a very pretty lane where all the neighbours try to keep their properties looking well and up to date.
- The applicant's plans will greatly enhance our lane and reinstate a more substantial property (which existed one upon a time).
- The plans will reinstate the symmetry by bringing the build of the new property in line with the neighbouring properties.

4.0 Planning History

- None of relevance.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Under the Dublin City Development Plan 2016-2022, the application site is designated Zoning Objective Z1: - “To protect, provide and improve residential areas”.

The subject site is located to the rear of the principle house (41 Fitzwilliam Square West) which is located within Zoning Objective Z8: - “To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”.

The mews and principle house are located within the Fitzwilliam Square & Environs Architectural Conservation Area, and are also within a red hatch Conservation Area.

Development Plan Policies/Objectives

Conservation Areas

CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

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

5. The repair and retention of shop and pub fronts of architectural interest

Development will not:

- 1) Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area
- 2) Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail
- 3) Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
- 4) Harm the setting of a conservation area
- 5) Constitute a visually obtrusive or dominant form.

Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of conservation areas and their settings. The council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses.

Chapter 5: Quality Housing

Chapter 16: Development Standards

Section 16.10.16 Mews Dwelling

5.2. Natural Heritage Designations

- Non Relevant.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of extension and alteration of an existing residential structure in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted by MacEoin Architects on behalf of the applicants Rebecca Yates and Charles Von Metzradt. The main issues raised can be summarised as follows:

- First Party Appeal Regarding Conditions 2a, b, c and e.
- The property is located within the Fitzwilliam Square ACA, however, it is not a Protected Structure within its own right.
- The planning officer has taken a particular position on this property.
- The building is a two storey former coach house. It was originally one of four, constructed with the front houses (the present day 41 – 44 Fitzwilliam Square) Numbers 42 and 43 were totally demolished and the sites cleared for car parking.
- No. 44 has been extended, the only connection between No. 41 and 44 is by reference to historical maps.
- No 41 has extensive evidence of having been altered many times in the past.
- Laverty Court is an irregular shaped mews lane and does not conform to the typical impression one would have of the mews lanes serving Georgian Houses.
- The properties along the land lack any coherent style or appearance.
- The applicants purchased the property in 2018 as a live / work unit.
- The applicants are a text book example of the aspiration set out in the DCC Development Plan (CH. 11, p 182) regarding reuse of “certain heritage buildings can be a challenge and since an appropriately occupied building is the best way to ensure its protection, the development plan should reflect this and facilitate such appropriate uses, where these support the overarching

conservation objective. It is crucial to this concept that people are encouraged to live above shops and businesses in the Georgian core and in the historic radial market streets, mixing living and working as was originally intended.”

- The applicants carried out extensive pre planning discussions with DCC.
- There appears to be confusion on behalf of the Conservation Officer as to the status of the Mews / Coach House subject to the application and the level of intervention and alteration which has occurred over its life time and its significance. It is not a Protected Structure.
- Correspondence and feedback from the conservation officer is questionable, conflicting and inaccurate.
- The architects have engaged with the Conservation Officer (CO) and impress how important a workshop at ground and living quarters at first floor is to their clients.
- The applicants need a workshop and this has led to the concept and overall design proposed.
- It is ambiguous of the CO to suggest that a roof terrace onto of the single storey extension to the front of the coach house, where it could be screened instead of as proposed. Illogical confusing and does little to add to architectural conservation.
- Extensive research has been carried out in an aim to discover the actual status of the building, given the strength of the unverified opinions offered by the CO. Documentary information was sought from:
 - The land registry
 - The Irish architectural archive
 - Trinity College Library
 - The National library
- The evidence which emerged showed that the 4 buildings No.'s 41 – 44 Laverty Court were unlikely to have been designed to appear as a single entity, and may even have been constructed separately.

- Historical maps show the evolution of the Plan shape of No. 41. It seemed to have a small extension or return to the front, that disappeared by 1893 and seems to have been replaced by an outdoor stair which corresponds to the position of the steps today.
- Historical Photographs show:
 - External stairs and window cills are in situ concrete (not available in 1808)
 - The brickwork evident on the rear elevation is an English Garden Wall Bond and a Dolphin's Barn or Mount Argus Brick – neither which were available in 1808
 - The internal plaster finish on the interior walls and ceiling are a modern-day gypsum plaster.
 - The internal joinery has no decoration or old architraves.
 - The disposition of the windows at the front of the building suits the present layout, including a narrow window to light and ventilate the Bathroom at first floor level – an unlikely remnant of the 1808 iteration of the building.
- It is the opinion of MacEoin architects that the building at No. 41 has been extensively altered on a number of occasions since it was first constructed.
- There were no objections to the proposal from any prescribed bodies, or any neighbours and there were two letters of support.
- Omission of the proposed dormer is an onerous request.
- Parapet walls – this is a whole new issue brought up at this late stage. The parapet wall design is based upon precedent and good practice. The fact that a parapet roof already exists along the gable with No. 42 (previously demolished) was a fair precedent.
- The porch to the workshop, this was omitted also thereby also depriving the living space at first floor of a west facing balcony. The removal of roof lights in the balcony would seriously diminish the amount of daylight available to the workshop.

- The rear kitchen balcony was omitted at F.I stage on the understanding that the rationale for the front west facing balcony would be accepted, and so the living space would have a small outdoor space directly adjacent.
- The reference to new timber / aluminium / uPVC casement window with overly thick frames – timber windows are clearly called up on the Ground Floor Plan Drawing.
- Consideration for the extant steel windows to be retained, repaired and upgraded- these are clearly not original, and no reason can be offered for their retention, certainly they are even less thermally efficient than timber.
- Consideration for the extant steel windows to be replaced on a like for like basis with a thermally broken crittal style window. This is also thermally inefficient as set out above.
- Consideration for the introduction of new timber sash windows, that would be historically correct timber sash windows, accurately based on originals. Details of the proposed new windows and glazing should be submitted. No original sash windows exist. The openings have all been altered and the proportions changed. Direct contradiction of the supposition that retention / replacement of the steel windows with like for like.
- Repointing – not considered necessary as no evidence of decay.
- All proposed roof lights should be conservation roof lights. The application should submit revised drawings.
- The amount of information sought for this application could fairly be described as forensic, given that the building is not a protected structure.
- The standard conditions attached to the grant of planning permission recite all the items raised in the FI as if it had not been responded to.
- A reading of the conditions also reveals glaring errors. This is not a protected structure. Such a misleading designation of the property is not understandable or justifiable. This is simply incorrect.
- Lack of care and consistency evident in the drafting of the decision to grant.

- If the decision is allowed to stand it would be very off putting for anyone considering taking on the adaption and re-use of a historic building such as this.
- The application involves the considered refurbishment of a much altered simple two storey mews building into a home / workspace.
- The application is based upon years of experience with houses (both protected and otherwise) and their adaptive re-use. The proposal is an embodiment of the DCC planning policies for the re-use of buildings.

6.2. **Applicant Response**

- None Received.

6.3. **Planning Authority Response**

- None Received.

6.4. **Observations**

- None Received.

6.5. **Further Responses**

- None received

7.0 **Assessment**

- 7.1.1. I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. I highlight that the subject appeal is a first party appeal, solely, against the attachment of conditions. Given the foregoing and having regard to section 139 (1) of the Planning and Development Act, 2000, as amended, I consider that a 'de novo' consideration of the development is not warranted in this instance.
- 7.1.2. In my judgement the principle factors for consideration in this appeal relate to evaluation of Condition 2a, b, c and e.

- 7.1.3. At the outset, however, I consider it is pertinent to set out some background to this case. The building the subject of this planning application comprises a two storey former coach house. It was originally one of four, constructed with the front Georgian houses, (the present day 41 – 44 Fitzwilliam Square). Coach houses at Numbers 42 and 43 were totally demolished and the sites cleared for car parking, a number of years ago, and No. 44 has been extended to the front and side. I note and agree with the submission by the first party that the only way one may show any physical connection between No. 44 and No. 41 is by reference to historical maps. It is clear from the documentation on file and from my site visit that No. 41 itself has been extensively altered in the past. No. 44 has been extended at first floor with an extensive modern red brick extension.
- 7.1.4. The subject property is located to the rear of 41 Fitzwilliam Square, which is a Protected Structure (RPS 2836) and while the coach house was originally constructed at or about the same time as the protected structure / period house, and which it served for many years, there is currently no connection with or access to the main house. The coach house property, No. 41 Lavery Court, while located within the Fitzwilliam Square Architectural Conservation Area (ACA) is not a protected structure in its own right.
- 7.1.5. The application is accompanied by a photographic record not only of the building, but also of its context on the lane. I note the submission from the first party that the applicant has endeavoured to retain as much of the ‘existing fabric’ of the building, as possible, as opposed to the ‘original fabric’ of the building. It is clear from the supplementary documentation and extensive research carried out by the applicant’s team, that No. 41 the subject property, has been extensively altered on a number of occasions since it was first constructed. Much of the original fabric of the building has been lost and or replaced with varying materials and alterations over the years. Therefore, while I note the Conservation officers report and the conditions attached to the planning permission, I am of the opinion that a measure of balance and equity needs to be found. The building is in a dilapidated condition for a number of years and its reuse and improvement is welcomed and encouraged. I take on board the applicants’ assertions that they want to be able to adapt the building to suit their work / life balance in the heart of the city. I note policy regarding reuse of heritage buildings. Chapter 11 page 182 of the DCC CDP 2016 – 2022 states: ‘Certain

heritage buildings can be a challenge and since an appropriately occupied building is the best way to ensure its protection, the development plan should reflect this and facilitate such appropriate uses, where these supports the over-arching conservation objective. It is crucial to this concept that people are encouraged to live above shops and businesses in the Georgian Core and in the historic radial market streets, mixing living and working as was originally intended.’ The applicant’s proposal to work in the workshop at ground level and live at first level in a modified and extended coach house, which, is not a protected structure but where the modifications respect the character and cultural heritage of the building and the ACA within which it sits, should be supported.

- 7.1.6. Regard is had to Policy CHC4: which states: ‘To protect the special interest and character of all Dublin’s Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible’.

This section, set out in full in section 5.0 of this report goes on to state: ‘Development will not:

“1) Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area”.

“2) Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail.”

“3) Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors.”

“4) Harm the setting of a conservation area.”

“5) Constitute a visually obtrusive or dominant form.

Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of conservation areas and their settings. The council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses”.

7.1.7. I have had due regard to the drawings and proposal as originally submitted for the application site and the amendments carried out, by the first party, in their response to the further information request. The further information request related, solely, to concerns raised by the conservation officer. The applicants team addressed and responded to that request satisfactorily in my opinion. Laverty Court is an irregular shaped mews lane. The properties along the lane lack any coherent architectural style or symmetry. Some addressing the street, some behind boundary walls. I note that condition 2 which is now the subject to this appeal repeatedly refers inaccurately to the Protected Status of the Coach House. The condition 'Reason', is stated:

'To ensure that the integrity of the protected structure is maintained and that the proposed repair works are carried out in accordance with good conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.'

7.1.8. I am of the opinion that retention / replacement of features not original to the coach house is onerous, cognisance is had to the Fitzwilliam Square ACA, however, it is not a protected structure. The applicant has submitted evidence and documentation to prove that the building has been altered significantly over the years. I intend to deal with the merit of each part of condition 2 under appeal separately below. The full terms of Condition 2 are set out above in section 3.0 of this report:

7.1.9. Condition 2a states:

a) The proposed dormer window to the front of the coach house shall be omitted from the proposal and a revised proposal which show conservation rooflights / studio lights incorporated into the rear slope of the coach house shall be submitted to and agreed in writing prior to the commencement of development.

7.1.10. There is no change proposed to the existing ridge, the proposed dormer is set below the ridge, subservient to the main roof. It comprises a narrow timber casement double glazed window which measures some 1.9m in width x 1.2m in depth. The dormer allows light and greater use of the attic study in the roof space. It is submitted that the dormer intervention could be removed in the future should this be required. I note also the proposed extension to the hipped ridge roof and the proposed parapet wall. I see no objection in principle to the proposed dormer window given the Z1

zoning, the character of the building and the context within which it is set, addressing Laverty Lane. I recommend that this part of the condition be omitted.

7.1.11. Condition 2B states;

b) The proposed parapet walls proposed between the boundary walls and the new extension shall be omitted as they would cause serious injury to the setting of the historic coach house. Drawings indicating the roof of the new extension as a plain hipped roof rather than a parapet roof with hipped roof built against, shall be submitted to and agreed in writing prior to the commencement of development.

7.1.12. I see no issue with the use of a parapet roof to contain the roof with the existing boundary wall line. I note the point that a parapet roof already exists along the gable with number 42. And I accept the first party's arguments in this regard. I recommend that C2b be omitted as onerous.

7.1.13. Condition 2C states:

c) The new front porch shall be omitted from the proposal. The applicant shall submit revised drawings, to be agreed in writing prior to the commencement of development, which indicate the new workshop doors within the front elevation that shall be of high quality and of a detail appropriate to the significance and special architectural character of the historic coach house building.

7.1.14. Omitting the porch deprives the living space at first floor of the opportunity for a west facing balcony. The applicant submits that the removal of the proposed roof lights in the balcony overhead would significantly diminish the amount of daylight available to the workshop. From my site visit and from the drawings submitted it is clear that the adjoining structure at No. 40 has a balcony at first floor facing west onto Laverty Court. I also note that in the response to further information the applicant choose to omit the balcony and stairs to the rear of the property, which aimed to offer a convenient link to the garden from the living space, in the understanding that the west facing balcony would be acceptable. I am of the opinion that the design and proposal as amended by further information is acceptable and I recommend that C2c. be omitted in full.

7.1.15. Condition 2e states:

e) The introduction of the windows as proposed with overly thick frames and insensitive fenestration detailing is not supported. The introduction of new windows would be considered where well detailed and where they would enhance the special architectural character of the mews house. Prior to the commencement of development, the applicant shall submit 1:10 drawings of the proposed new windows and doors across the scheme, considering one of the following three potential options:

i. Consideration for the extant steel windows to be retained, repaired and upgraded.

ii. Consideration for the extant steel windows to be replaced on a like for like basis with a thermally broken crittal style window.

iii. Consideration for the introduction of new timber sash windows, that would be historically correct timber sash windows, accurately based on originals.

Details of the proposed new windows and glazing should be submitted.

7.1.16. I note and have consideration to the first party's arguments in respect of Condition 2e, in respect of the windows. It is submitted that the requirement for the extant steel windows to be retained, repaired and upgraded is onerous as these windows are not original, no reasonable reason has been offered for their retention, given they are thermally inefficient their retention is unsustainable.

7.1.17. Consideration for the extant steel windows to be replaced on a like for like basis with a thermally broken crittal style window. This, it is submitted, is also thermally inefficient. No original sash windows exist and it is unsupported that they ever did exist. The openings have all been altered and the proportions changed. I concur with the opinion of the first party that to replace the existing steel windows with timber sash is a direct contradiction of the supposition that retention / replacement of the steel windows with like for like should take place.

7.1.18. I note the proposal put forward by the first party to replace the existing steel windows with matching, thermally broken double glazed steel windows by a specialist firm. I note proposed roof lights are described as conservation grade. Given the drawings submitted and the arguments regarding conservation versus alterations, energy

efficiencies and light to living spaces I am of the opinion that the proposal put forward by the applicant is acceptable. I recommend that C.2e be omitted in its entirety.

8.0 Recommendation

- 8.1. Having read the appeal and submissions on file, had due regard to the provisions of the Dublin City Development Plan 2016 - 2022, carried out a site visit and all other matters arising. I recommend that the planning authority be directed under section 139 (1) of the Planning and Development Act, 2000, as amended, to omit Condition 2a, b, c and e in their entirety.

9.0 Reasons and Considerations

Having regard to –

- (a) Dublin City Development Plan 2016 – 2022
- (b) The Zoning Objective Z1: - “To protect, provide and improve residential areas”.
- (c) Precedent set in the area and given the reuse of a heritage building with a modest scale extension and contemporary interventions capable of being removed in the future in an area zoned ‘to protect, provide and improve residential areas’. Subject to compliance with the conditions set out below it is considered that the proposed development would contribute positively to the character and distinctiveness and would not detract from the character and appearance of the area and its setting and would otherwise accord with the provisions of the current County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1. Condition 2a be omitted in its entirety.
2. Condition 2b be omitted.
3. Condition 2C be omitted.
4. Condition 2e be omitted

Fiona Fair
Senior Planning Inspector

31.08.2022