



An
Bord
Pleanála

Inspector's Report

ABP-312397-22

Development	Retention for extensions, alterations, and the demolition of shed. Construction of 2 replacement windows, alterations to building, and all associated site works.
Location	47, Raglan Road, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3643/21
Applicant(s)	Chris Dardis
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Chris Dardis
Observer(s)	None
Date of Site Inspection	26 th August 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Raglan Road, approximately 500m west of Ballsbridge village centre. It has a stated area of 674 sq.m, with approximately 8m of frontage onto Raglan Road, and an overall site depth in excess of 80m. Number 47 is a Protected Structure, comprising a mid-terrace 2-bay Victorian style 3-storey over basement building. It has been subdivided into separate residential units. The current case involves only the basement/lower ground floor level and the rear of the upper ground floor return.
- 1.2. The front garden consists of a gravelled surface car-parking area, which is part of a larger parking area shared with the adjoining No. 45. There is a shared vehicular entrance, and the area is otherwise bounded by a combination of railings and hedges. To the rear is a long, open garden area which backs onto Raglan Lane, which is a service/mews lane containing several separate properties. There is a double gate entrance to the rear of the site, flanked by a high level stone wall.
- 1.3. Raglan Road is a mature residential area which developed in the 19th century expansion of Dublin City's suburbs. The immediate surrounding area contains similar terraced properties, some of which serve as international embassies. The majority of surrounding properties contain some form of mews / outbuildings to the rear, but the former coach house on the appeal site has been removed.

2.0 Proposed Development

- 2.1. The development relates primarily to the basement level of the property, which contains a 2-bedroom residential unit. Some existing/proposed alterations also apply to the upper ground floor level in and around the rear return to the building.
- 2.2. Planning permission is sought to retain the following existing works:
 - Demolition of a small single storey shed
 - Single storey bedroom extension with rooflights to the rear basement level
 - 2-storey store/utility extension to the rear basement/ground floor level
 - Internal addition of en-suite bathroom to rear bedroom
 - Internal addition of bathroom to study / home office.

2.3. Planning permission is sought for the following proposed works:

- 2 no. replacement windows to the rear and side elevation
- Alteration to rear basement level bedroom to relocate existing en-suite, block up existing side window that opens out onto new extension, and form new external bedroom window to the side elevation of the rear return.

3.0 Planning Authority Decision

3.1. Decision

By order dated 30th November 2021, Dublin City Council (DCC) issued notification of the decision to refuse permission. The reason for refusal was as follows:

It is considered that the use of inappropriate materials that neither relate to nor complement the existing building, and the alterations carried out to historic features of the building including the original granite stairs and railings to the rear return, has detracted from the overall character and special interest of the building, a Protected Structure. Furthermore, it is considered that the proposed closure of an existing historic window would result in the further loss of historic fabric and the proposed new window would not, by reason of its off-set location, relate satisfactorily to the fenestration on the upper floors of the rear return. The development to be retained and the proposed development would, therefore, be contrary to Policy CHC2 of the Dublin City Development Plan 2016-2022, to ensure that the special interest of Protected Structures is protected, and the proper planning and sustainable development of the area.

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 works are acceptable in principle in accordance with the Z2 zoning objective for the area.

- The removal of the shed has not had any adverse impact on the overall character and special interest of the building.
- The rear single storey extension does not adversely impact on the fenestration of the upper floors; the overall integrity of the original building form; or the residential amenity of adjoining properties. The original garden level windows have been retained and could be reversed in the future. However, the materials used in the roof, internal walls, rainwater goods, and openings detract from the special character of the building. Having regard to Policy CHC2, this would set an undesirable precedent for similar development and should be refused.
- There are concerns about the design of the 2-storey extension. It has crudely incorporated the original granite steps/handrail; incorporates inappropriate building materials; and has resulted in the loss of historic fabric. The works are not easily reversible and detract from a unique and intact original feature, which would be contrary to Policy CHC2 and should be refused.
- The existing alterations to the rear bedrooms have compromised the residential amenity afforded to occupants and has eroded the legibility of the original floor plan. The quantity of living accommodation is also low.
- Inadequate details have been provided for the blockage of the existing internal window and level of daylight to the internal bedroom is likely to be significantly reduced due to the location of the window. The works would result in the loss of historic fabric (existing internal window) and would detract from the largely symmetrical composition of fenestration to the side of the rear return.
- Very little detail / drawings have been provided in relation to the proposed replacement of 2 no windows.
- It is recommended to refuse permission for all existing and proposed works, 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.

The Conservation Officer's (email) correspondence can be summarised as follows:

- There are concerns about the poor quality of works to be retained.
- The loss of the two historic windows is regrettable.
- There are serious concerns about the quality of the 2-storey rear extension. However, the retention of the granite steps is positive.
- The single storey extension is marginally larger than the shed it replaced. There have been attempts to retain historic fabric and, as such, the works would be reversible.
- It is not requested that the structures be knocked down. Retention permission could be granted on the understanding that future development would seek to improve on the character.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

P.A. Reg. Ref. 2451/21: Permission granted (July 2021) for the subdivision of the existing property into two independent sites, the construction of a two storey, with attic study space, three bedroom infill house to the rear of the existing property, with rooflights, upgrade works to site boundaries, including reuse and incorporation of partial remains of original coach house stone wall, new boundary division wall, widening of the existing vehicular access from Raglan Lane with 2 no. parking spaces, construction of green house with pond feature to the rear of the mews house, and all associated site and landscaping works.

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 property is 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. Section 4.5.9 of the Plan acknowledges that well-considered urban design and architecture can make a positive contribution to townscape and urban environment. Policy SC25 promotes high standards of urban design, form, and architecture which positively contribute to the built and natural environments. Policy SC26 promote innovation in architectural design to produce contemporary buildings which contribute to the city's culture of enterprise and innovation.

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 **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)** sets out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking.

5.3. Natural Heritage Designations

The site is located c. 700m southeast of the Grand Canal Proposed Natural Heritage Area. It is located c. 2km 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 refuse permission has been appealed by the applicant. The appeal has been prepared by Hughes Planning and Development Consultants and the grounds of appeal can be summarised under the following headings:

Alternative design option

The Board is asked to consider revised proposals incorporating the following changes.

- The bedroom in the rear return has been replaced with a walk-in wardrobe and a reconfigured bathroom, and a new doorway has been proposed. This is to ease concerns about living accommodation and daylight.
- External finishes have been amended to include copper cladding and the internal area of the single storey extension will have a rendered finish. The copper cladding will provide a high design standard that positively impacts on the character, appearance, and architectural significance of the building.

Planning Precedent

- The appeal refers to several suggested precedent cases granted by DCC for various extensions and alterations to protected structures.
- It states that the planning history of 2 Pearse Square is relevant in light of concerns raised about the quality of construction and other elements of historic fabric.
- It states that the development granted at 84 Palmerstown Road, Rathmines, is similar in scale and design.

Planning Context

The appeal contends that the proposal is consistent with the policy provisions outlined below.

- The Development Plan, including the Z2 zoning; heritage policies; urban form and architecture policies; and policies/standards relating to domestic extensions.
- The Architectural Heritage Protection Guidelines, including the use of contemporary materials which clearly distinguish new development from the original architectural character.
- 'Quality Housing for Sustainable Communities – Guidelines for Planning Authorities' (2007), including an increased quantity of living accommodation.

6.2. Planning Authority Response

None.

6.3. Prescribed Bodies

None.

6.4. Observations

None.

7.0 Assessment

7.1 Introduction

- 7.1.1. Having regard to the established residential use of the property and Development Plan policy, I consider that the proposal to alter and extend the existing property would be acceptable in principle. However, the Z2 zoning objective for the site seeks 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.
- 7.1.2. I note that the applicant has submitted an alternative design option as part of the appeal. This is not an uncommon practice with appeals. The revised proposal aims

to address the concerns of the planning authority and I am satisfied that it does not introduce any significant new issues for third parties. The planning authority has been given the opportunity to comment and I am satisfied that the amended proposal can be considered by the Board.

7.1.3. 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 the planning authority's reason for refusal, I consider that the main issues for assessment of this case are as follows:

- Built heritage and visual amenity
- The standard of residential amenity proposed
- Impacts on surrounding properties.

7.2. Built Heritage and visual amenity

7.2.1. Regarding the demolished shed, I would accept that this appears to be a later addition which does not significantly contribute towards the special interest or character of the protected structure. Accordingly, I have no objection to its demolition and removal as has been completed.

7.2.2. The former shed has been replaced with a small 'lean-to' single storey bedroom extension. The planning authority has not raised objection to the overall form and scale of this extension or its impact on the overall integrity of the building. However, it has raised concerns out the quality of its design/construction, in particular the materials used in the roof, rainwater goods, and openings. I would agree that the materials used are of low-quality which neither reflect the original fabric of the building nor provide a high-quality contemporary finish.

7.2.3. In response to these concerns, the applicant has included an amended design with the appeal. It is proposed that the roof would be provided with a copper finish. The drawings also indicate that the existing openings would be replaced with single pane windows and doors, which would be more contemporary in appearance. The proposals for rainwater goods are not clear but I am satisfied that this issue could be clarified through a suitable condition. Overall, I consider that the revised proposal for the single storey extension would constitute a significant improvement to the design,

materials and finishes. The external appearance of the extension would be contemporary in character and would be suitably distinguished as a modern extension to the original building. Accordingly, I do not consider that it would compromise the special interest and integrity of the protected structure or the wider Z2 conservation area.

- 7.2.4. As well as its external appearance, the single storey extension has implications for the internal features of the building. I would agree with the DCC concerns regarding the internal wall timber cladding finish, which is inappropriate notwithstanding that this lower ground level has limited architectural significance. The appeal response has committed to removing this and restoring the internal render finish, which I consider to be acceptable.
- 7.2.5. The extension also encloses two former external windows i.e. the rear west-facing window to the main building and the side south-facing window to the rear return. Based on the original proposal, DCC raised concerns about the lack of detail on proposals to close the existing window on the rear return. The appeal now proposes that this window would divide a bedroom and walk-in wardrobe, rather than two separate bedrooms. On this basis, I am satisfied that there is now no necessity to close the window at all, particularly given that the internal shutters are still intact. Like the other internal window, it can be retained and protected, and will be preserved as a feature of historic fabric in the event of an alternative proposal in the future.
- 7.2.6. Internally, I note that some existing/proposed works involve the installation of bathrooms, boiler room, doors etc. I consider that these are relatively minor works within existing spaces. The works would be easily reversible, and I would accept that the basement level does not contain the more ornate features that might be expected in the upper levels of the building. The works would not compromise the overall legibility of the floor plan or features of special interest, and I have no objection in this regard.
- 7.2.7. Regarding the 2-storey rear extension, the planning authority also raised concerns about the quality of its design/construction and its impact on the granite steps and railings. The appeal has sought to address this matter with a proposal for copper cladding around the extension. I consider that this would provide a clean and

contemporary high-quality finish which would suitably distinguish the extension from the rear return. And while the granite steps and railings have not been ideally incorporated into the extension, I am satisfied that the historic fabric and interest of this feature has been largely retained. Accordingly, I do not consider that the 2-storey rear extension would detract from the character or special interest of the protected structure or the wider Z2 conservation area to an unacceptable degree.

7.2.8. With regard to the proposed external works, it is proposed to install three windows in the rear return, i.e. one new opening at basement level and two replacement windows at ground floor level. The original proposal envisaged that the new basement window would serve the internal bedroom in the rear return. However, given that this space is now proposed as a walk-in wardrobe, I consider that it will get adequate light from the internal window serving the well-lit bedroom extension area and the new opening is no longer necessary. This would avoid the loss of historic fabric and the creation of a window which would detract from the existing fenestration pattern in the rear return. I acknowledge the DCC concerns regarding the lack of detail on the two small replacement windows proposed but I am satisfied that detail in this regard could be satisfactorily agreed by condition.

7.2.9. In conclusion, I would acknowledge that the existing extensions are substandard in quality and detract from the character of the protected structure. However, I consider that the amended appeal proposal would provide a higher quality contemporary design and finish which would be suitably distinguished from the original building in accordance with best practice conservation principles. I acknowledge that the proposal would enclose some historic features of interest, including two windows and the rear steps and railings. However, I am satisfied that the features have been adequately protected and that the impacts would be reversible in the event of a more comprehensive proposal in the future. Therefore, subject to conditions, I consider that the impacts on built heritage and visual amenity are acceptable.

7.3 The standard of residential amenity proposed

7.3.1. Based on the original application for a two-bedroom residential unit, the planning authority raised concerns about the standard of residential amenity afforded to the prospective occupants. Concerns related to the daylight levels to the internal bedroom (in the rear return) and the quantity of living space proposed.

- 7.3.2. The appeal seeks to address these concerns by proposing a one-bedroom unit, with the internal bedroom being replaced by a walk-in wardrobe. On this basis, I would accept that it is not proposed to increase the potential occupancy of the existing unit. At the same time, the extensions have increased the overall quantity of floorspace for the subject unit, as well as improved communal facilities in the form of the ground floor utility room.
- 7.3.3. The basement level unit would have a gross floor area in excess of 100m² and would easily exceed the minimum requirement for one-bedroom apartments (45m²) as outlined in 'Sustainable Urban Housing: Design Standards for New Apartments'. I note that the kitchen/living/dining area (c.20m²) does not meet the 23m² requirement as per the Guidelines, but I am satisfied that this is adequately compensated by the overall generous space provisions. The living space standards are also not affected by an increased occupancy in this case.
- 7.3.4. The bedroom extension itself is of adequate size and is very well served by daylight. I accept that the extension creates internal spaces in the form of the study/office room and the walk-in wardrobe. However, I do not consider that these spaces are overly sensitive to loss of light, and I am satisfied that they would be adequately served by the daylight in the adjoining bedroom space.
- 7.3.5. In conclusion, I consider that the amended proposal would not involve an increase in occupancy capacity. I am satisfied that the additional floorspace and works associated with the proposed development would not significantly detract from the residential amenity afforded to the prospective occupants and I have no objections in this regard.

7.4 Impacts on surrounding properties

- 7.4.1. The existing/proposed works are small in scale and mainly relate to the basement level, below the level of the adjoining boundary walls. I acknowledge that the 2-storey extension involves additional development at ground floor level above the boundary with the adjoining property to the north. However, the scale and extent of these works is extremely limited.
- 7.4.2. Similarly, the majority of new windows are at basement level below the level of dividing boundary walls. The exceptions are the two replacement windows proposed

at ground floor level in the rear return. However, these are small windows and would be simply replacing long-standing openings.

- 7.4.3. Having regard to the limited scale and height of the development and the absence of any new openings above the basement level, I do not consider that the development would detract from the amenities of surrounding properties by reason of impacts relating to overshadowing, overbearing, overlooking, or otherwise.

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 retention permission and 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, nature 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 this protected structure 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 retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 5th day of January, 2022, 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 following works shall be completed within six months of the date of this order in accordance with the plans and particulars received by An Bord Pleanála on the 5th day of January, 2022:
 - (a) The proposed copper cladding shall be affixed to the two extensions.
 - (b) The timber cladding to the internal walls of the single storey extension shall be removed and the walls shall be rendered.
 - (c) The external window and door opening to the single storey extension shall be replaced with single pane openings.
 - (d) The rainwater goods shall be replaced with suitable proposals.

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

Reason: In order to protect the character of the protected structure.

3. The following shall be complied with:

(a) The two internal windows to the single storey extension shall be retained and protected from damage during construction.

(b) The proposed new window opening to the walk-in wardrobe at basement level shall be omitted.

(c) Details and drawings of the two proposed replacement windows shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect the character of the protected structure.

4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. 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.

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

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

8. 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

26th August 2022