



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312416-22

#### Development

Partial demolition of two storey extension and external stairs to rear, construction to the rear of new single storey extension at lower ground floor level & extension to return at lower and upper ground floor levels and first floor level with all associated siteworks.

#### Location

5, Prince Edward Terrace Upper,  
Caryfort Avenue, Blackrock, Co  
Dublin, A94D2F3, Which is a  
Protected Structure

#### Planning Authority

Dun Laoghaire Rathdown County  
Council

#### Planning Authority Reg. Ref.

D21A/0924

#### Applicant(s)

Andrew Savage and Pauline  
Fitzpatrick

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Niall Ringrose
<b>Observer</b>	None
<b>Date of Site Inspection</b>	02/04/2022
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.03 hectares, relates to a large 3-bay mid-terraced two-storey over basement house constructed in the early 19<sup>th</sup> century built in the Greek Revival style, on the eastern side of Carysfort Avenue approximately 600 metres south of Blackrock village. The subject site is bounded by the adjoining residential properties of no.4 and no.6 Prince Edward Terrace Upper to the north and south respectively.
- 1.2. The subject dwelling (floor space area 271sq m) is a protected structure included in the Dun Laoghaire Rathdown County Development Plan 2016-2022 (RPS Ref. 561). The house originally backed onto Brookfield Terrace, but the site has been subdivided and like the majority of properties along this part of Prince Edward Terrace the Brookfield frontage has been developed. A three-storey flat roof structure is now located fronting onto Brookfield with car parking to the front and rear.
- 1.3. The subject house is asymmetrical with wider accommodation and double windows on one side of the entrance. The rear of the property is not visible from surrounding roads due to a combination of terraced housing and high boundary walls. A tall hedging is planted along the rear boundary and on the northern boundary between the current site and no.4 prince Edward Terrace Upper. Large stand of mature trees can be seen planted to the rear of the adjacent terraced dwellings' back gardens.
- 1.4. The house façade is finished with the original render, with its original window openings having been fitted previously with white coated aluminium replacements. The entrance has been modified to combine the pedestrian and vehicular entrance into one gated opening, the original railing has been kept. The house has been extended to the rear with a two-storey extension adjoining the original rear return and outdoor stair access to the first floor. Garden access is from basement level. The submitted Architectural Heritage Impact Assessment (AHIA) sets out the building history.

## 2.0 Proposed Development

2.1. The proposed development to a protected structure on site comprises:

- Partial demolition of existing two storey modern flat roof extension and external stairs to rear,
- Construction of a new rear single storey extension at lower ground floor level with a parapet roof height of c. 3.3m and length of extension c. 4.15m.
- Construction of an additional floor on the original rear return bringing it to proposed finished parapet height of 8.2m.
- Extension to existing two storey return at lower and upper ground floor levels, to be completed with a mono pitch roof of height 5.9m. The floor area of the proposed extension amounts to 40sq m.
- Internal and external alterations to include removal of existing internal walls at lower and upper ground floor level, alterations to existing opes at lower ground and first floor level, replacement of existing modern windows with timber double-glazed sash windows to front and rear elevations with all associated siteworks to include garden storage to rear and bin/bicycle storage to front of existing 3 storey terraced house.

2.2. An AHIA (dated September 2021) has also been submitted as part of the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority granted permission subject to 8 no. conditions, most of which were standard in nature apart from the following Condition no.3 which stated:

*3. The applicant shall submit these drawings prior to commencement of development for the completeness of the planning file:*

*(a) Existing side elevational drawings*

*(b) Existing floor plans showing the entirety of subject site.*

*Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the planning officer, dated December 2021, reflects the decision of the planning authority. The planning authority considered that the design of the proposed extension, elements which are of a contemporary design, sit comfortably with the Protected Structure and are considered acceptable.

The area planner noted that the plans and particulars submitted with the application did not include existing side elevational drawings, however, the existing sections were noted in addition to the existing and proposed floor plans which were considered to adequately demonstrate the proposed development and as such a comprehensive assessment of the proposed development could be carried out. Condition no.3 requires that these omitted drawings are submitted on foot of grant of permission.

### **3.2.2. Other Technical Reports**

- Transportation Planning Section – No objection subject to conditions.
- Drainage Section - No objection subject to conditions.
- Conservation Officer - The proposed works relate to a designated Protected Structure RPS Ref No.445 included in the CDP 2016-2022. The works do not negatively impact the architectural interest of the Protected Structure, the scale and design of the proposed rear extension is acceptable and not viewed to detract from the rear expression of the building.

The Board should note the incorrect RPS Ref. no. is referenced by the Conservation Officer and in fact the correct RPS. Ref. is 561 as previously stated.

## **3.3. Prescribed Bodies**

- The Heritage Council: No response received.
- An Taisce: No response received.
- Failte Ireland: No response received.
- An Comhairle Ealaoin: No response received.

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: No response received.

### 3.4. Third Party Observations

3.4.1. A single submission was received from an interested third party (the neighbouring property owner to the north at no.4) and the principal grounds of objection contained therein can be summarised as follows:

- The proposed development should incorporate pitched slated roofs as opposed to flat roofs. The current proposal is not in keeping with the architectural character of the terrace.
- Given the orientation of the rear gardens east/west by permitting an unnecessarily high party wall and a flat roof type direct sunlight the property to north would be blocked and overshadowing would occur.
- Drawing 0921/P/005 misrepresent the extent of the existing plan of rear return of No.4.

## 4.0 Planning History

4.1. Planning History on site:

- PA Ref: D10A/0387 – Permission granted in July 2010 for partial demolition of existing single storey modern flat roof extension and external stairs to rear, construction to the rear of new single storey extension at lower ground floor level with extension to existing two storey return at lower and upper ground floor levels, extension at first floor level and extension of existing second floor bathroom. Internal and external alterations to include removal of existing internal walls at lower and upper ground floor level, alterations to existing opes at lower ground first and second floor level, replacement of existing modern windows with timber double-glazed sash windows to front and rear elevations with all associated site works to include garden storage to rear and bin/bicycle storage to front of existing 3 storey terraced house, a protected structure.

Of note, Condition 4 of the Planning Authority's Decision states the following:  
*Prior to the commencement of the development, the applicant shall submit for*

*the written agreement of the Planning Authority, revised plans indicating the following: (a) The omission of the rear bathroom extension element at second floor level; (b) The use of obscured glazing for the side (south) facing window to the proposed upper ground floor level study. REASON: In order to safeguard visual amenities and the privacy of adjacent property.*

It is noted that this permitted development has not been carried out.

#### 4.2. Adjacent properties:

- PA Ref: D03A/1183 - Permission granted in March 2004 at 4, Prince Edward Terrace Upper, Blackrock for an additional storey (approx. floor area 12 sq.m.) to the existing two storey return at the rear. This is a protected structure.
- PA Ref: D09A/0931– Permission granted in April 2010 at 6, Prince Edward Terrace Upper, Carysfort Avenue Blackrock for the construction of single storey extension to rear, reinstate previously converted lower ground level apartment to form part of existing dwelling with internal and external alterations at lower and upper ground floor level to include new internal stairs, enlarge window ope to rear, demolish partition and create new internal ope at lower ope at lower ground level, replace windows with timber double-glazed sash windows to front and rear elevations and create new external steps to lower ground level at front of existing 3 storey terraced house. A protected structure.

#### 4.3. Nearby relevant sites:

- ABP Ref: 307566 - Permission granted in January 2021 at no. 7 Prince Edward Terrace Lower for the demolition of extension and construction of three storey extension to rear of a Protected Structure and associated works.
- ABP Ref: PL06D.248605 – Permission granted in November 2017 at no.3 Upper Prince Edward Terrace for alterations to house with increase in extension, inclusion of 3 no. rooflights and associated site works. A protected Structure.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned A: *To protect and/or improve residential amenity*. Residential development is acceptable in principle under this zoning.
- 5.1.2. I note that the Dun Laoghaire Rathdown County Development Plan 2022-2028 was officially adopted by the Council on 10<sup>th</sup> March 2022 and is to come into effect 6 weeks from that date, however for the purposes of this appeal the assessment is to be carried out under the operative Plan which is the current Development Plan 2016-2022. Nonetheless an examination of any updated policy and zoning within this new plan (2022-2028) was carried out and listed under Section 5.2 below.
- 5.1.3. The following conservation polices apply:
- Policy AR1 - It is Council policy to:
    - i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
    - ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
    - iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
    - iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- 5.1.4. Section 8.2.11.2 refers to Architectural Heritage – Protected Structures
- (i) Works to a Protected Structure



In assessing works (inclusive of extensions/alterations/ change of use etc.) to a Protected Structure, the Planning Authority will seek to ensure that:

- Alterations and interventions to Protected Structures shall be executed to the highest conservation standards and shall not detract from their significance or value.
- Original features of architectural and historic interest will be retained. Interventions proposed should be minimised in order to retain the legibility of the existing floor plan.
- All works should be carried out to the highest possible standard, under supervision of a qualified professional with specialised conservation expertise. On-site operatives/contractors should have experience dealing with historic buildings.
- Good conservation practice recommends that extensions should be 'of their time' (i.e. clearly distinguishable from the original) and to a high standard of design using material that both respect and are complimentary to the existing building.

5.1.5. The principles of residential development are set out in Section 8 of the operative Development Plan. Section 8.2.3.4(i):

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.
- Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example - will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

5.1.6. Section 8.3.2: Transitional Zonal Areas - The maps of the County Development Plan show the boundaries between zones. While the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones.

## 5.2. **Adopted Dun Laoghaire Rathdown County Development Plan 2022-2028**

5.2.1. Under the adopted plan the site is zoned Objective A - *To provide residential development and/or protect and improve residential amenity* and the structure on site is identified as a Protected Structure. Relevant policies include those listed under Section 11.4 Architectural Heritage including Section 11.4.1.1 Policy Objective HER7: Record of Protected Structures, 11.4.1.2 Policy Objective HER8: Work to Protected Structures

5.2.2. Section 12.3.8 Additional Accommodation in Existing Built-up Areas details the development management standards to be applied.

## 5.3. **Blackrock Local Area Plan 2015-2021 (Extended to 2025)**

5.3.1. The subject site is located within the area covered by the Blackrock LAP and the dwelling on site is identified as a protected structure. No specific policy objectives apply to the subject site under this plan.

## 5.4. **Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

5.4.1. Relevant sections include:

- Chapter 6 which refers to Development Control.
- Section 6.8.1 which refers to extensions.

## 5.5. Natural Heritage Designations

5.6. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 00210) at around 650m to the north of the site.

## 5.7. EIA Screening

5.7.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest 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. One third-party appeal was received from Mr. Niall Ringrose of 4 Upper Prince Edward Terrace (the property to the immediate north) and may be summarised as follows:

- Submitted drawing ref: 0921/P/005 misrepresents the extent of the existing plan of rear return of No.4.
- The subject proposal should be 'protecting' and 'improving' the existing Victorian architectural character on the street and therefore the proposed development should have pitched slated roofs and not flat ones. Houses nos. 6, 7 and 8 to the south and nos. 2, 3 and 4 to the north all have original (or recently imitated) pitched slated roofs.

- If a pitched slated roof was provided it would also lessen the necessity to have the party wall between no.4 and no.5 as high as it is currently proposed and would not unduly detract from the development's usability.
- The orientation of the gardens is east/west and permitting unnecessarily high party wall simply blocks direct sunlight to the property to the north, in this instance the third party's back garden/patio area.

## 6.2. Planning Authority Response

6.2.1. A response to the third-party appeal from the Council dated 20<sup>th</sup> January 2022 was received by the Board. The response can be summarised as follows:

- The Board is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matters which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Adjacent Residential Amenity
- Appropriate Assessment – Screening

### 7.2. Design and Impact on the Character of the Area

7.2.1. The third-party appellant's grounds of appeal are detailed in Section 6.1 above. In summary, the appellant objects to the proposed development on the grounds that proposal fails to protect the existing Victorian architectural character of the street, in particular with reference to the flat roof design of the proposed rear extension. The appellant references other dwellings along the street which have had recent rear extensions constructed which have all incorporated pitched slated roofs, which are in his opinion more in keeping with the terrace's existing character.

- 7.2.2. The proposed development seeks to alter the existing two storey original rear return by removing the existing pitched slated roof and would see an additional floor added at first floor level. The more recently constructed flat roofed extension, with outdoor stair access is to be demolished and a new extension constructed on its footprint. This new extension will have a two-storey element of parapet height c. 4.9m adjacent to the northern boundary with no.4 and a mono pitch roof element rising to c. 5.9m when measured from the rear garden of the subject site on the roof's southernmost side. I note the height of the existing flat roof is c. 4.4m.
- 7.2.3. The proposal is for an enhanced family home for its continued domestic use. An additional area of living space will be added at lower ground floor level between the existing rear return and the boundary with no. 6 to the south. This will house a dining area and provide access to the rear garden at lower ground floor level. The main intervention to the protected structure in this area is the widening of an existing window opening on the lower ground floor to create connection to the proposed extension. It is noted that the original window at this level was previously replaced.
- 7.2.4. On site visit I noted the variety of rear extensions currently constructed along the terrace and the variation of roof designs and finishes. Several of the original rear returns have been altered over the years and in the case of the current site the original footprint of the rear return is to be retained and the other elements of the extension shall be clearly identifiable as a modern intervention. The modifications though designed in a contemporary style in my opinion will not detract from the original structure as they are clearly distinctive and limited to the rear return and lower ground floor, none of which will be visible from the public domain. I also note that adequate private amenity space would be maintained to the rear of the subject dwelling.
- 7.2.5. The refurbishing works also include restoration of the windows and replacement of aluminium windows to the front of the property with timber which is welcomed, and in my opinion will enhance the character of the street from the public domain.
- 7.2.6. I note that the plans and particulars submitted with the application did not include for existing side elevation drawings, nor did the existing floor plans show the entirety of the subject site, the area planner has also raised this as a concern. This issue can be addressed by way of condition should the Board be minded to grant permission.

### 7.3. Impact on Adjacent Residential Amenity

- 7.3.1. The appellant also highlights his concern regarding the proposed boundary wall between the subject site and his property at no.4 to the north, stating that the party wall proposed as part of the works would be unnecessarily high. He further states that if a pitched slated roof was provided (as discussed under section 7.2 above) it would also lessen the necessity to have this higher party wall between no.4 and no.5 while also not unduly detracting from the development's usability. Given the orientation of the rear gardens in a west east direction the appellant also states that the suggested changes to design would also ensure that sunlight and daylight to the rear of his property and garden/patio space would not be impacted to such a significant degree.
- 7.3.2. In terms of impacts on neighbouring properties, I consider that the applicant has sought to address any potential impacts through design by proposing a two-storey element adjoining the existing original rear return which will incorporate a monopitch roof with the taller end on the southern side and a northern parapet height of approx. 4.9m when measured from the rear garden/patio area of no.4, the existing flat roof rear extension measures c. 4.4m. Though I note the concerns of the appellant regarding this element, I would not consider that the residential amenity of this neighbouring property in terms of access to daylight and sunlight would be affected to such a degree as to warrant a refusal of permission. The proposed modifications to the extension and new monopitch element will not extend any greater a distance to the east than that of the existing extension at c.7.8m and the increase in height of the rear extension is to be stepped down from three storey to two storey from the main building's rear elevation. Overall, I do not consider the proposal would result in any significant injurious impact on the residential amenity of the adjacent dwellings and I consider the principle of the development is in line with Section 8 of the operative Development Plan.
- 7.3.3. In conclusion having reviewed the drawings submitted, together with the nature of the extension and the pattern of development along the terrace and to the provisions of Architectural Heritage Guidelines and the Dun Laoghaire Rathdown County Development Plan 2016-2022, I consider that the proposed development would not detract from the character or setting of the protected structure or terrace of which it forms a part, would integrate in a satisfactory manner with the existing built

development in the area, and would be acceptable in terms of protecting residential amenity of adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and limited scale of the proposed extension and works on site, the location of the site in a developed and 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 give rise to a significant effect individually or in combination with other plans or projects on a European site.

#### **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

#### **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022, the zoning objective of the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension and works, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely impact on the historical character of the existing structure or the surrounding area or seriously injure the amenities adjoining residential properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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

**Reason:** In the interest of clarity.

2. Existing Side Elevation drawings and Existing Floor Plans showing the entirety of the subject site shall be submitted to the planning authority for completeness of the planning file prior to commencement of development.

**Reason:** In the interest of clarity.

3. The flat roofed area shall not be used or accessed as a roof garden/patio.

**Reason:** In the interest of residential amenity.

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

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.



**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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Máire Daly  
Planning Inspector

03<sup>rd</sup> April 2022