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Bord  
Pleanála

## Inspector's Report ABP 312621-22.

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<b>Development</b>	Demolition of single storey studio and construction of replacement studio building.
<b>Location</b>	Bushfield House, 57 Phillipsburgh Avenue, Dublin 3. D03 NF86.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	3791/21
<b>Applicant</b>	MOB Accountants Ltd.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant</b>	MOB Accountants Ltd.
<b>Date of Inspection</b>	1 <sup>st</sup> April, 2022.
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site which has a stated area of 430 square metres is that of Bushfield House, a fine late eighteenth century two storey over garden level house in Fairview and it has access from Phillipsburgh Avenue to the west. The house has been subject to various alterations, repair, maintenance works, is in office use and has signage at the front. The house which faces south is perpendicular to the road frontage and twentieth century residential development overlooking the street is immediately adjacent to the rear of the house. The detached studio structure which is flat roofed is in the northeast corner adjacent to the road frontage and a lawn separates it from the east facing gable end of the house. There is surface carparking at the front. To the west side of the house within the historic curtilage there is a small *cul de sac* with two storey townhouses and surface carparking known as Bushfield Square for which planning permission was under P. A. Reg. Ref. 2045/04 granted in the early 1990s.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing studio building which has a stated floor area and for construction of a replacement studio building which is to have a stated floor area of thirty-four square metres. The application is accompanied by a conservation report

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission on grounds that:

The proposed development erodes the architectural character and seriously injures the setting of the protected structure and is therefore in contravention of Policy CHC2 and section 11.2.5.1 of the CDP

and that

The footprint relative to Bushfield House and the building line on Phillipsburgh Avenue in view of height and projection over the front boundary constitutes a

visually obtrusive feature in the streetscape which seriously injures the visual and residential amenities of the area.

### 3.2. **Planning Authority Reports**

- 3.2.1. The report of the **Conservation Officer** indicates a recommendation for refusal of permission on grounds of further erosion of the architectural character of the protected structure exacerbating prior unsympathetic development which is seriously injurious to the setting resulting in contravention of Policy CHC2 and section 11.2.5.1 of the CDP and the Z2 (residential conservation area) zoning objective.
- 3.2.2. The Conservation officer considers an artist's studio use to be suitable to the garden area, that the proposed design while attractive would amount to further encroachment which would constitute overdevelopment in the context of the setting of the protected structure and inappropriate within the limited remaining space within the historic curtilage of Bushfield House.
- 3.2.3. The **Drainage division** indicates on objection in its report subject to foul and surface water connections which are separate to those of Bushfield House and standard requirements.
- 3.2.4. There is no report from the **Transportation Division** on file. There is also no report on the previous unsuccessful proposal under P. A. Reg. Ref 3852/18. (See Planning history in section 4 below)
- 3.2.5. The report of the **Planning Officer** indicates the recommendation for refusal of permission for two reasons based on the observations and recommendations within the Conservation Officer report.

## 4.0 **Planning History**

**P. A. Reg. Ref. 3852/19 /PL 305916:** The planning authority decision to refuse permission for demolition of the single storey structure and for construction of a two-storey house and new boundaries was upheld following appeal on grounds of:

- Visual obtrusiveness and serious injury to visual and residential amenities having regard to the proximity to Bushfield House and to the building line on Phillipsburgh Avenue and,

- Erosion of the architectural character and setting of the protected structure in contravention of Policy CHC2 and section 11.2.5.1 of the CDP.

**P. A. Reg. Ref. 5517/06:** Permission for retention of change of use from Bed and Breakfast to office use at first floor level and alterations and change of use to office at ground floor and basement level and storage for offices at the studio with a remaining space at the house retained in residential use.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective: Z2 *“to protect and or improve the residential amenities of residential conservation areas.”*

Bushfield House is included on the recorded protected structures and within the NIAH inventory is recorded as being of architectural and artistic special interest and it as a “Regional” rating.

Policy Objective CHC 2 and Section 11.1.5.1 provide for the protection of the architectural character and enhancement of the special character of protected structures, their curtilage and settings. The criteria under (a) require restoration of features and fabric (b) require high standards of craftsmanship and sensitivity to scale proportions, design, materials and period of the existing structure and (c) does not harm the curtilage and design, form height, scale and proportions with new development complementing the protected structure.

## 6.0 The Appeal

6.1. An appeal was lodged by AKM Design on behalf of the applicant on 2<sup>nd</sup> February, 2022 in which it is submitted that the proposed development complies with the relevant criteria in the CDP. Included in the appeal are proposals for an 0.4 metres reduction in height of the proposed structure.

6.2. According to the appeal:

- The planning authority overemphasised the potential infringement of the building line on Phillipsburgh Avenue and impact on visual amenities. The building line of Phillipsburgh Avenue is variable, and the proposed development is in keeping with the buildings north of the corner at Melrose Avenue
- The parapet height at 3.3 metres and total height at 3.8 metres at the standing seam roof in the context of the 10.5 metres height of Bushfield House has no adverse visual impact.
- There is no overshadowing or overlooking potential.
- The planning authority overemphasised the potential impact on the architectural character of Bushfield House which itself has been seriously eroded and with the setting being irreparably altered. There is no impact on the front elevation and the height and scale is much lower than that of the adjoining three storey apartments. The modest scale is evident in the street elevations (Drawing 103 refers.) High quality materials, features and finishes are to be used which are sympathetic to and the building does not compete with the surroundings are to be used in the new building. The alignment and building line follow that of Bushfield House.
- The garden will have a low wall and railing compatible with Bushfield House and space for one car and the boundary wall to Phillipsburgh Avenue is to be rebuilt in natural stone, improving visual appearance.
- The proposal is not overdevelopment, and it would enhance the character and setting of the already dramatically altered Bushfield House the curtilage of which is substantively lost. It is a highly suitable and high quality and modest replacement for the derelict studio and it incorporates landscaping, parking and refuse storage.
- The demolition of the existing structure which is in poor condition and has no valuable function and detracts from Bushfield House will be an improvement to the setting. The proposal is acceptable on conservation grounds and is an example of sensitive development compatible with settings of protected structures. It also would encourage and facilitate further upkeep of Bushfield House.

### 6.3. **Planning Authority Response**

6.4. There is no submission from the planning authority on file.

### 7.0 **Assessment**

7.1. Given, as pointed out in the Conservation Officer report, the immediate curtilage of Bushfield House is substantively developed to the side and rear, whereas the front façade and east facing gable end in views on approach from the south along Phillipsburgh Avenue, (in the public realm) and at the site entrance is relatively intact and is of conservation merit.

7.2. To this end, the retention free of development of the lawn area between the house and the boundary with Phillipsburgh Avenue is essential to retention of the remaining historic context and setting along with the remaining tree at the entrance. The existing studio structure is relatively inconspicuous by reason of its small size and footprint, notwithstanding the visibility of the flat roof above the boundary wall along Phillipsburgh Avenue.

7.3. The subject proposal is for a structure with double the footprint of the existing structure at the side of Bushfield House whereby, due to width the separation distance between the east facing gable end of Bushfield House and the site boundary is reduced from circa 4140 mm to 1650 mm according to the lodged plans. In addition, the width of the proposed structure is shown at seven metres, an increase from 2500 mm for the existing structure.

7.4. This results in substantial infill of the space laid out as a lawn resulting in total erosion of the separation between Bushfield House and the boundary with Phillipsburgh Avenue. Detraction from the setting and visual context of Bushfield House in this regard is exacerbated by the carparking layout and hard landscaping although it is acknowledged that this space is in hardstanding at present.

7.5. In addition, in public views from Phillipsburgh Avenue, the proposed structure would also be visually conspicuous above the boundary wall, to a greater extent than the existing structure and would detract from the open context between the gable end of Bushfield House and the street frontage.

7.6. It is fully accepted that the proposed structure (along with the hard landscaping) when considered in isolation of the site location and context, itself would be of quality in form and in materials and finishes. However, in view of the foregoing, the views of the conservation officer and planning officer and the planning authority decision to refuse permission is supported in that the proposed development would be contrary to the CDP policies and objective in section 11.1.5.1 and CHC 2 for protection of the special interest of protected structures and their curtilages.

#### **7.7. Environmental Impact Assessment Screening**

Having regard to the nature of the proposed development and its location in a serviced inner suburban area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.8. Appropriate Assessment Screening.**

Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations.

### **9.0 Reasons and Considerations**

The proposed development, by reason of the footprint, mass and form, height and width infilling the lawn area within the curtilage of Bushfield House between the house and the boundary with Phillipsburgh Avenue and, by reason of height and form visible from Phillipsburgh Avenue above the boundary wall on its frontage would have adverse negative impact on the integrity, character, context and setting of Bushfield House, a protected structure and would seriously injure to the visual amenities and character of the area. The proposed development would therefore be

contrary to Policy Objective CHC2 of the Dublin City Development Plan, 2016-2022 which is to ensure that the protection of the special interest of protected structures is protected and to ensure that development conserves and enhances the structure and its curtilage. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**

Senior Planning Inspector  
2<sup>nd</sup> April 2022