



An
Bord
Pleanála

Inspector's Report

ABP-313011-22

Development

PROTECTED STRUCTURE: The development will consist of an extension and alterations to the existing detached garden room, at rear to provide a detached garden room / greenhouse.

Location

37 Oakley Road, Ranelagh, Dublin 6,
D06 Y681

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4066/21

Applicant

Brendan Galvin

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions

Type of Appeal

First Party v. Condition

Appellant

Brendan Galvin

Observer

None

Date of Site Inspection

29th April 2022

Inspector

Máire Daly

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c. 329sq m is located on the eastern side of Oakley Road, which is a mature residential street which connects Charleston Road to the north with Dunville Avenue to the south and is located c. 280m southwest of Ranelagh Village centre and the 'triangle' junction.
- 1.2. The house on the subject site is a protected structure (Dublin City Development Plan 2016-2022 RPS no. 5978) and is located within a terrace of two storey houses which are also protected structures. The house which dates from the mid-19th Century has a brick finished front façade with features including a large door with fanlight above and sash windows which are features distinctive to these houses along Oakley Road. In front of the property there is a small fenced garden, with on street parking along the road. The house has an original two storey rear return which has been extended in recent times with a two storey structure to the rear. A small single storey flat roof rear extension has also been constructed between the rear return and the boundary wall to the north with no. 38 to the north. The property has a narrow east facing rear garden which stretches for a length of approx. 27m from the rear elevation of the rear return.
- 1.3. The subject site has an unusual L-shape and a felted flat roofed single storey shed/garden room structure is located to the immediate rear of the neighbouring property at no.36 Oakley Road, which is in fact within the current site's red line boundary and in the ownership of the applicant. It would appear that the area in which this shed is located may have originally been part of the rear garden of no.36 Oakley Road. The shed currently has a series of high-level obscured windows in the side elevation which face into the neighbouring property's rear garden at No.36 Oakley Road. This structure is separated from the garden of no.36 by a low brick wall, with wooden panel screening on top.
- 1.4. The shed/garden room structure has a brick external finish and windows in the northern and western elevations and almost full width hardwood timber garage doors to the east, facing onto the laneway to the rear. Internally it has unfinished brick walls and a thin concrete slab on a rubble base with softwood timber sheeting to the ceiling. A pedestrian gate in the rear boundary wall provides access to the subject site's garden.

2.0 Proposed Development

2.1. The proposed development comprises the following:

- An extension of c. 23 sqm and alterations to the existing detached garden room (of current area 33sqm), to provide a detached garden room/ greenhouse/ small WC/shower room, of total area 56sqm.
- The structure is to have a flat roofed garden room element of height c.3 m and an adjoining monopitch aluminium patent glazed greenhouse structure with a proposed height of c. 3.15m, with adjoining flat roof of height c.2.6m. The structure will span the entire width of the rear garden and adjoin the boundary wall with no. 38 to the north.
- All proposed works are located within the rear garden of no.37 Oakley Drive which is a protected structure.
- The pedestrian entrance to the laneway to the rear is to be retained.

2.2. An Architectural Heritage Impact Assessment (AHIA) completed by a Grade 2 Conservation Architect (dated December 2021) has 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 6 no. conditions, most of which were standard in nature apart from the following Condition no.6 which stated:

The applicant shall comply with the following Conservation Section requirements:

- (i) *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.*

- (ii) *In advance of work commencing on site, the applicant shall submit the following information to the Planning Authority:*
- a) *1:5 details of the flashing detail proposed between the new structure and the historic boundary wall and party walls to ensure that there would be no further impact on the special architectural character of the historic boundary walls and the party walls of the adjoining properties.*
 - b) *1:10 details of the foundation details required for the new extension that shall have no impact on the historic boundary walls and the party walls of the adjoining properties.*
 - c) *All rainwater goods and SVP's shall be cast iron.*
 - d) *The roof fascia shall be timber in lieu of GRC.*
 - e) *Samples of the proposed new brick and mortar joint finishes shall be submitted to the Planning Authority in advance of work commencing on site.*
 - f) *A revised specification for the windows showing the extant timber windows retained and upgraded in lieu of being replaced. The installation of slim profiled double glazed unit may be considered where well detailed. The new frames should have a traditional putty finish to the exterior and the seals shall not be visible beyond the historic sash frames. Details of the proposed new glazing shall be submitted in advance of work commencing on site. The applicant shall ensure that any proposed slim-profiled glass replacements conform to EU directives and shall confirm this in writing to the Planning Authority.*
 - g) *Revised drawings showing the proposed aluminium framed lean to extension and curtain walling system replaced with a timber-framed system.*
- (iii) *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.

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

(v) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. Reason: To protect the character and integrity of the protected structure.

Reason: *To protect the character and integrity of the protected structure.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated February 2022 reflects the decision of the planning authority and can be summarised as follows:

- The principle of having non-habitable ancillary structures within a residential property is considered to be acceptable on the basis that they do not significantly detract from the property itself or neighbouring properties.
- It is noted that the Conservation Section have no objection to the overall development but do have some concerns in relation to the materials proposed. A condition has been attached to the grant of permission to address these issues.

3.2.2. Other Technical Reports

- Drainage Division – DCC – Report dated 04th January 2022 - no objection subject to standard conditions.
- Conservation Section – DCC – Report dated 07th February 2022:
 - The proposal is relatively modest in nature.
 - In advance of work commencing on site, the applicant shall provide 1:5 details of the flashing detail proposed between the new structure and the historic boundary wall and party walls to ensure that there would be no further impact on the special architectural character of the historic boundary walls and the party walls of the adjoining properties.

- In advance of work commencing on site, the applicant shall provide 1:10 details of the foundation details required for the new extension that shall have no impact on the historic boundary walls and the party walls of the adjoining properties.
- All rainwater goods and SVP's shall be cast iron.
- The roof fascia shall be timber in lieu of GRC.
- Samples of the proposed new brick and mortar joint finishes shall be submitted to the Planning Authority in advance of work commencing on site.
- It would be preferable for the extant timber windows to be upgraded in lieu of being replaced as these timber windows retain a character in themselves. In advance of work commencing on site, the applicant shall submit a revised specification showing the extant windows upgraded.
- The installation of slim profiled double glazed unit may be considered where well detailed. The new frames should have a traditional putty finish to the exterior and the seals shall not be visible beyond the historic sash frames. Details of the proposed new glazing shall be submitted in advance of work commencing on site.
- The proposed new aluminium framed element is considered to be somewhat incongruous to the traditional character of the extant garden shed. It would be preferable for the new glazed elements including the lean-to extension to be timber framed in lieu of aluminium framed as this would be considered to be more in keeping with the special architectural character of the extant garden building.

Recommended conditions were attached to the report which form the basis of Condition no.6 of the grant of permission from the planning authority.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – response dated 5th January 2022 – no observations to make.

3.4. Third Party Observations

3.4.1. One third party submissions was received from the owners of the neighbouring property to the south at no.36 Oakley Road. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The proposal will have a profound and negative impact on the residential and visual amenity for the occupants at no.36 Oakley Road.
- Contrary to zoning objective of the site.
- Both the applicant's and the observer's properties were previously under the same ownership. At the time the previous owner constructed the shed in the rear garden of no.36. When the two properties were sold the former garage was included in the folio of no.37. This then gave rise to the existing site layout at no.37 Oakley Road – L shaped garden.
- Existing shed has a limited use in comparison to garden room, intensification of use and concern over the subsequent use of extension if permitted.
- Negative impact on the setting and character of the protected structure. If such a shed was applied for today it would undoubtedly be refused.
- Issue over existing windows will overlook into rear garden of No. 36 Oakley Road even though they are obscured.
- No attempt has been made as part of the proposal to mitigate the historical anomaly of the glazing facing the rear of the observer's property.
- Seriously question the proposed use of the structure given that there is a toilet and shower room proposed and also a new pedestrian entrance.
- Boundary treatment temporary not a justification for development.

4.0 Planning History

4.1. Subject site:

- DCC Ref: 0449/17 – EXPP Exemption Certificate granted December 2017:
PROTECTED STRUCTURE: 1.Use of garage as a 'garden room', for music,

games & leisure, and as a home study/ office. 2. External and internal works as follows: a) Replacement of existing roof covering with new, new rooflight; b) Replacement of existing timber windows and door with new timber double-glazed units; c) Fitting of glass blocks to new diamond-shaped opening in north facing wall; d) Dry lining and insulation to external walls; e) New stud partition to form wc and shower room; connecting to drain; f) Replacement of existing concrete floor with new insulated slab on DPM and g) Provision of new plumbing and electrical service installations.

- ABP Ref: 126355 – Permission granted in March 2002 for alterations to existing building (a) internal alterations (b) changes to facade (c) demolition and reconstruction of ext. at 37 Oakley Road, Ranelagh, Dublin 6 (Protected Structure).

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. The following land use zoning objective applies to the site - Z2 “to protect and/or improve the amenities of residential conservation areas”.

5.1.2. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

5.1.3. The house and its curtilage are registered as a protected structure under the operative development plan – RPS Ref:5978.

Conservation Areas

5.1.4. Chapter 11, Built Heritage and Culture Section 11.1.5.4 Architectural Conservation Areas and Conservation Areas CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

5.1.5. Policy CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

(c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials

(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works

(f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

5.1.6. Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas (Section 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.

5.1.7. Relevant sections of the Development Plan include:

Section 16.2.1: Design Principles - All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. In the appropriate context, imaginative

contemporary architecture is encouraged, provided that it respects Dublin's heritage and local distinctiveness and enriches its city environment

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.
- This section further states 'In particular, alterations and extensions should: 'Retain a significant proportion of the garden space, yard or other enclosure'

Section 16.10.2: Residential Quality Standards – Houses Private Open Space

states 'Private open space for houses is usually provided by way of private gardens to the rear or side of a house. A minimum standard of 10 sq.m of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city'.

Section 16.10.12: Extensions and Alterations to Dwellings

Section 16.2.2.4: Boundary Walls and Railings: Seeks to ensure that development will not result in the loss or insensitive alteration of characteristic boundary walls or railings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions. The following subsections are relevant:

- Section 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties.
- Section 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- Section 17.5 General Principles – 'Proposals should have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.
- Section 17.7 Appearance – 'The extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings'.

- Section 17.10 Contemporary Extensions.

5.2. Natural Heritage Designations

- 5.2.1. None relevant.

5.3. EIA Screening

- 5.3.1. The proposed extension to the existing residential dwelling is not a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has appealed Condition no.6 part (ii) (f) and (g). The following grounds of appeal are raised:

Sash Windows:

- The windows to the existing garden room (formerly a domestic garage) are not sash windows i.e. there are no moving sections. They are in fact crudely formed and fitted fixed frame windows. The DCC Conservation Officer is wrong, and this mistake was repeated in the planner's report, resulting in a condition which has been incorrectly applied.
- In 2017 a Section 5 Declaration (DCC Ref. 0449/17) was issued in which it was considered that the replacement (rather than the upgrading) of these windows would be exempted development. The appellant questions the planning officer's knowledge of this and if so the relevance of same.
- The planning application was accompanied by an AHIA prepared by a Grade 2 conservation architect. The appellant questions if the planning officer read this and took note of its content?
- The AHIA estimated (by analysis of maps) that the garage dates form between 1910 and 1936 and in fact dates much later than the house. The report states in Section 1.9 that "the garage is regarded as being

undistinguished, of no special interest – architectural, historical, archaeological, artistic, cultural, scientific, social or technical. In the writer's opinion it would not, on its own, warrant designation as a protected structure. It was obviously designed and built as a utilitarian structure, perhaps as a garage. Its floor pit suggests that its last use may have been to service motor vehicles”.

- It is by no means certain that these windows are original and the variance in texture suggests that some panes were replaced overtime.
- The conservation officer’s response rather than making an objective assessment of the merits of the proposal was to apply the condition in a well meaning but heavy handed way without regard for the unfortunate and unjust consequences.

Structure of lean-to:

- The lean-to section of the application was designed as a contemporary 21st century edition to a 20th century shed.
- Section 18.6.1 of the Architectural Heritage Protection Guidelines for Planning Authorities, states that “the planning authority should not seek to discourage contemporary and innovative designs, providing these are of sufficiently high quality and do not detract from the character of the historic fabric”. The proposal is for a contemporary addition to a vernacular building.
- The proposed design attempted to introduce lightness to the proposed lean-to structure (roof and vertical glazing) in contrast to the visual weight of the existing structure. The design of the lean-to roof and associated glazing is deliberately minimalist and lightweight so while as to contrast with the more substantial structure and fabric of the former garage.
- Timber sections, as proposed by the planning authority in their condition, would by their nature be heavier and their use would defeat this objective of apparent lightness.
- There is a long standing tradition of fabricating greenhouses out of lightweight metal instead of timber (Richard Turner's 19th century structures in the botanical gardens in Dublin and Belfast being obvious ones).

- The remainder of the conditions which relate to conservation are acceptable and considered appropriate. The appellant is agreeable to a condition being attached to a grant of permission which asks the applicant to submit a sample of the proposed glazing bar to the council for approval.
- The appellant feels that this appeal is an opportunity to correct what is a fundamentally flawed decision by the local authority.

6.2. Planning Authority Response

- None received.

7.0 Assessment

7.1. This is a first-party appeal only against Condition no. 6 part (ii) (f) (and (g) attached to the planning authority's decision to grant permission. These conditions relate to the retention and upgrade of the extant timber windows, as opposed to replacement and also revised drawings showing a timber framed lean-to structure as opposed to the aluminium framed structure proposed by the applicant.

7.2. Having regard to the nature and scale of the proposed development and the nature of Condition no. 6 part (ii) (f) (and (g) it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not needed, and that a de novo assessment would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.3. Condition no. 6 (ii) (f)

7.3.1. This condition seeks revised specifications for the windows to show the extant timber framed windows retained and upgraded in lieu of being replaced as originally proposed by the applicant. The planning authority goes on to further state that the installation of slim profiled double glazed units may be considered where well detailed and that the new frames should have a traditional putty finish to the exterior and the seals shall not be visible beyond the historic sash frames.

7.3.2. I note the appeal submission highlights that the extant windows are not comprised of a sash design and instead are of a fixed design with wooden frames. Following a site

inspection I can confirm same and therefore consider the condition imposed by the planning authority erroneous and unnecessary. While I acknowledge the historical significance of the protected structure (the main dwelling house) on site, I am also aware that the subject shed structure to which works are proposed dates from a later period and as detailed in the submitted AHIA the date of construction is more likely to have been in the 1920s. While the existing shed structure is comprised of a similar brick finish to that of the main house, the windows bare little resemblance or relation to that of the windows in the protected structure and are certainly not sash windows. I also note the assessment of the extant window frames contained in the appeal submission which states that the top and side framing is of plain rectangular sections while the top section of the sill is slightly weathered. The applicant proposes to replace these windows with new high performance double glazed windows, with privacy level 5 glass to ensure the privacy of the adjoining residents at no.36, onto who's rear garden the windows face.

- 7.3.3. The submitted drawings show the extant windows which comprise 14 no. vertical individual panes and surrounding frames (Drawing no.21018-101) are to be removed and replaced with 10 no. slightly wider vertical individual panes with surrounding frames (Drawing no. 21018-302). However, I note that the AHIA (December 2021) details View 'A' and 'C' taken from the Virtual 3D model as having 14 no. window panes proposed along the western elevation of the extant shed. This image is also reiterated in the submitted appeal document. Therefore, there would appear to be some ambiguity in the proposed design of these replacement windows and frames. While I am satisfied with the overall proposal of the removal and replacement of these windows, which in some parts are in a poor state of repair, and believe that their removal and replacement would not have any significant impact on the character or integrity of the protected structure, I would however not consider a change to the layout or number of these individual window panes and frames appropriate. Therefore, I would suggest that this condition is amended to allow for the replacement of the existing timber frames and glass panes with new high-performance double-glazed windows, but that the replacement design contain 14 no. glass panels and associated frames as per the extant design. Revised drawings showing the 14 no. individual windows on the western elevation and details of the

proposed new glazing should be submitted to the planning authority for agreement in advance of work commencing on site.

7.4. Condition no. 6 (ii) (g)

- 7.4.1. Part (g) of this condition requires the applicant to submit revised drawings showing the proposed aluminium framed lean-to extension and curtain walling system replaced with a timber-framed system. The planning authority considered the proposed extension to be somewhat incongruous to the traditional character of the existing garden room/shed. The conservation officer within DCC stated that she would prefer to see a timber frame in lieu of the proposed aluminium frame as this would be more in keeping with the special architectural character of the extant garden building. I would not agree with the planning authority's opinion on this matter, nor the condition attached.
- 7.4.2. Having visited the site and examined the structure in place and the proposal put forward by the applicant I would consider the aluminium framed design both suitable and fitting within the curtilage of this protected structure. The proposed extension does not seek to mirror the existing garden room/shed in any pastiche manner and instead presents a clearly separate element to the extant building on site. The contemporary design while a contrast to the existing brick façade of the garden room, is minimalist and also allows for views through the glazing to the proposed reclaimed yellow brick boundary wall and in my opinion the proposed powder coated aluminium frame would be a fitting addition to the rear of this garden, within the curtilage of the main house (protected structure). I do however note that no definitive colour for the powder coated aluminium finish is given by the applicant and therefore I would suggest this detail should be agreed by way of condition with the planning authority prior to commencement of development.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

AMEND condition number 6 as follows:

6. The applicant shall comply with the following Architectural Conservation requirements:
 - (i) 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.
 - (ii) In advance of work commencing on site, the applicant shall submit the following information to the Planning Authority:
 - a) 1:5 details of the flashing detail proposed between the new structure and the historic boundary wall and party walls to ensure that there would be no further impact on the special architectural character of the historic boundary walls and the party walls of the adjoining properties.
 - b) 1:10 details of the foundation details required for the new extension that shall have no impact on the historic boundary walls and the party walls of the adjoining properties.
 - c) All rainwater goods and SVP's shall be cast iron.
 - d) The roof fascia shall be timber in lieu of GRC.
 - e) Samples of the proposed new brick and mortar joint finishes shall be submitted to the Planning Authority in advance of work commencing on site.
 - f) Revised western elevation drawings showing details and specifications for the 14 no. replacement vertical windows, frame materials and intervention works proposed. The replacement windows are to be of a slim profiled double-glazed specification with obscured privacy glazing of a 'hammered' texture design similar to that of the extant windows. Details of the proposed new glazing

shall be submitted in advance of work commencing on site. The applicant shall ensure that any proposed slim-profiled glass replacements conform to EU directives and shall confirm this in writing to the Planning Authority.

- g) Details of the colour of the proposed aluminium framing to be used on the lean-to extension and curtain walling system shall be submitted for written agreement to the planning authority prior to commencement of work on site.
- (iii) 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.
- (iv) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (v) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. Reason: To protect the character and integrity of the protected structure.

Reason: To protect the character and integrity of the protected structure.

Máire Daly
Planning Inspector

01st May 2022