



An
Bord
Pleanála

Inspector's Report

ABP-314100-22

Development	Demolition of extension and construction of extension to Protected Structure.
Location	29 Annesley Park, Ranelagh, Dublin 6.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3827/22
Applicant(s)	Sheila Walsh
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	1 st Party v. Condition
Appellant(s)	Sheila Walsh
Observer(s)	None
Date of Site Inspection	20 th June 2023
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 370sq.m, is located on the west side of Annesley Park: a residential road of semi-detached, double-fronted, red-brick houses in Ranelagh Dublin 6. Traffic is two-way on the street, and there is Pay & Display parking on both sides of the road. A small, revealed area beneath the ground floor is plastered. The houses are single-storey to the front and two-storey to the rear; with short flights of granite steps up to the front doors. The roofs are of asbestos slate and are double-A, flanked by red-brick chimneys. The gable elevation is finished in plaster, as is the rear elevation. Number 29 is one of a pair with number 27 – which latter house is indicated as being within the ownership of the applicant.
- 1.2. There is a narrow side passage connecting to the rear garden. There is a small, single-storey, flat-roofed, utility room/shower-room extension to the rear of the house. There is pedestrian access only to the front garden.
- 1.3. The adjoining number 27 has a larger, single-storey, pitched-roof extension to the rear of the house – hard on the boundary will with number 29. Number 31 has a single- and two-storey extension to the rear. There are new, three-storey houses to the rear of the property in Dunville Close. There is no access to the roadway in Dunville Close: the boundary is a 3.0m high wall surmounted by a timber fence.

2.0 Proposed Development

- 2.1. Permission sought on 27th April 2022, for development as follows-
 - Demolish single-storey extension (8.5sq.m) to the rear of the house.
 - Construct new single-storey, flat-roofed extension (11.7sq.m) to the rear of the house.
 - New zinc-clad canopy along part of the ground floor, to the rear.
 - New ground-floor bathroom window in the gable elevation.
 - Internal alterations are proposed at ground floor level, to the rear, to create a new kitchen/dining area.
 - New timber sash windows in the first-floor rear elevation.

- New timber sash windows in ground-floor front.
- Alterations are proposed in fenestration of the ground floor rear.
- New, hardwood, panelled front door.

2.2. The application is accompanied by an Architectural Conservation Report & Photographic Survey – dated April 2022.

3.0 **Planning Authority Decision**

3.1. **Decision**

By Order dated 17th June 2022, Dublin City Council issued a Notification of decision to grant permission subject to 12 conditions – the principal of which can be summarised as follows-

1. Development to be carried out in accordance with plans and particulars submitted with the application.
2. Conservation expert to be engaged during demolition and construction works.
3. Revised plans to be submitted to retain a greater amount of the historic rear wall; consideration to be given to omission of utility room door in favour of retaining the original window ope; details of roof of kitchen extension; doorway to hall to be retained; reduction in demolition of partition wall within the house to not wider than 3.0m; retention of chimney breast in existing kitchen; partition wall with proposed shower-room to be moved to avoid clash with the chimney breast; drawings of new windows to scale 1:5 with two-over-two window frames potentially being considered for the rear; 1:20 drawing of front door; replacement of 'Aluclad' window in shower-room and new doors within the rear elevation.
4. Works to Protected Structure to be carried out in accordance with best architectural conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
10. Relate to hours of construction.
11. Relates to noise control during construction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 17th June 2022, recommends grant of permission, subject to conditions (as recommended by Conservation Officer of DCC).

3.2.2. Other Technical Reports

Engineering Department – Drainage Division

Report of 9th May 2022; indicates no objection to proposal.

Archaeology, Conservation & Heritage, Planning & Property Development Dept.

Report of 13th June 2022; indicated that replacement sash windows and front door was welcome. Demolition of extension and construction of new one is acceptable in principle. Loss of historic window opes in ground floor rear and loss of much of the ground floor rear wall is not supported. Removal of kitchen chimney breast is not supported. No details of new windows or doors have been submitted. Of concern is the that the new windows will be square-headed and not curved, as seen in other surviving windows in the streetscape. 'Aluclad' windows and doors proposed are not acceptable. Conditions are recommended.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

No recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Dublin City Development Plan 2022-2028. The site is zoned 'Z2' Residential Neighbourhoods (Conservation Areas) – “To protect and/or improve the amenities of residential conservation areas”. Policy BHA9 states in relation to Conservation Areas, the following-

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include, *inter alia*:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

The house is a Protected Structure (Ref. 229) – as are the other houses on this roadway.

5.2. Natural Heritage Designations

The proposed development is located within an established urban area on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with

other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

5.3. EIA Screening

Having regard to the nature of the proposed development, minor alterations and extension to an existing Protected Structure, in an established urban area, where infrastructural services are available, 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

The appeal from Donal O'Connell, Architect, agent on behalf of the applicant, Sheila Walsh, received by the Board on 15th July 2022, relates to Condition 3 (a) & (e), and can be summarised as follows-

- The appellant resides in number 27; and her daughter and family reside in adjoining number 29.
- The appellant and her husband will be moving into number 29, once it has been upgraded.
- The permission is welcomed – but some of the conditions are unduly harsh.
- The existing ground level space to the rear is in poor condition. The existing ceiling and external wall finishes, to the rear lower ground-floor area, are modern plasterboard dry-lining.
- The proposal has been designed to be as open-plan as possible. The requirements for daylight are crucial. At present the area is dark. A rooflight is proposed in the new kitchen extension to admit the maximum of light to the space behind. The new structure and windows will be highly insulated.
- The scale of the extension is proportional to the main house.

- Condition 3(a) would require retention of more of the back wall of the house, which would make the space behind it much darker. The applicant is attempting to get maximum light penetration. At present the door opening to the playroom is 0.9m. The applicant is proposing a modest increase to 2.25m. Removal of the utility room door would mean that all traffic into the living/dining area would have to come through the sliding doors – resulting in draughts and poorer insulation than would be provided by an utility-room/lobby. The opening height and width will remain the same.
- Condition 3(e) appears to rely on a mis-reading of the drawings. There is no intention to interfere with the chimney breast in the existing kitchen/dining area. A new, disabled/accessible bathroom is proposed beside the chimney. The stud partition wall can be removed at some stage in the future, if required. The provision of this bathroom is essential to the appellant and her husband.

6.2. Planning Authority Response

None received.

7.0 Assessment

- 7.1. I have read all the documentation attached to this file including, *inter alia*, the 1st Party appeal, the reports of the Planning Authority; in addition to having visited the site. There were no observations made by 3rd parties to DCC. The application was circulated by DCC to Fáilte Ireland, An Taisce, The Heritage Council, An Chomhairle Ealaíon and the Department of Housing, Local Government & Heritage; there were no responses received. This is a 1st Party appeal against conditions 3(a) & 3(e) only. In line with section 139(c) of the Planning and Development Act, 2000 (as amended), I would be 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. My comments below are, therefore, confined to the two conditions the subject of the 1st Party appeal.
- 7.2. The site is located within a Conservation Area, as distinct from an Architectural Conservation Area. Within the latter, conservation requirements are stricter,

7.3. Condition 3(a) requires the applicant to retain a greater amount of the historic back wall – including a reduction of the opening between the new kitchen and the historic structure. It goes on to state that consideration should be given to omitting the proposed door from the new utility room. The condition is not specific – and would seem to be more in the nature of a further information request; suggesting the applicant make alterations. The condition does not specify by how much the opening between the new kitchen and the living/dining area should be reduced. The applicant points out that there is already a 0.9m wide door from the playroom to the garden at this location. This opening is to be widened to 2.25m. The purpose of the wider opening is to allow more light to penetrate to the room behind. To this end, the applicant has included a rooflight in the new kitchen extension – to further enhance light penetration. This would seem to be reasonable. The loss of an additional 1.35m of original back wall is not significant in the context of the overall amount of walling in this house – particularly where the wall is not visible from the public road, and where a significant number of houses on this street have been extended to the rear already. The condition does not specifically refer to the new sliding doors to the living/dining area – although this feature results in the loss of as much of the rear wall as the new kitchen extension does. I can understand the desire of the applicants to have floor-to-ceiling glazing in this part of the living/dining area – as it will be the only window in this large room. The provision of a canopy above these sliding doors (extending 1.0m from the façade of the building) is somewhat at odds with the desire of the applicants to provide maximum light penetration to the room to the rear. In the absence of any specific reference to these sliding doors, I do not consider that it would be reasonable to make alterations, by way of condition, to the design at this location. The condition does specifically refer to the new doorway to the utility room from the garden. The applicant points out that the new doorway will be no wider than the existing window opening – the only loss of original back wall being a small area beneath the windowsill down to ground level. There is a fine granite windowsill in place at this location. The windowsill could be reused elsewhere within the renovations – condition 4 requiring the works to be carried out in accordance with best conservation practice. The applicant points out that the utility room will act as a porch or draught lobby in poor weather. I would agree that the loss of original walling in this location is small, and that the alterations would not significantly impact

on the character of the Protected Structure. The existing, flat-roofed extension to the rear of this house has already resulted in changes in the quantum of original wall at the back of this house. It is not unreasonable for the occupants to seek to better connect the house with the rear garden – the principal private amenity space. For the reasons set out above, I consider that condition 3(a) should be removed.

- 7.4. Condition 3(e) refers to a discrepancy in drawings in relation to a chimney breast in the kitchen of the house. The applicant is required to keep the entire chimney breast (which will be located within the new utility room). There is a cooker inserted into the chimney breast at present; this will be removed. The condition requires the new partition wall with the WC/shower to be set back from the chimney breast. Having visited the site, I could see no discrepancy in drawings relating to the chimney breast. There is no good reason to require the new partition wall to be set back from the chimney breast. The new WC/shower is only 1.4m in width at this point. The setting back of the partition wall from the chimney breast would result in a width of only 1.0-1.1m. This is an unduly onerous requirement. The applicant points out that the stud partition wall can be removed at some point in the future, if so desired. For the reasons set out above, I consider that condition 3(e) should be removed.

8.0 Recommendation

I recommend that the Board confine itself to the conditions the subject of the 1st Party appeal, and that the development not be looked at *de novo*.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area, the design, layout and scale of the proposed development works to a Protected Structure, and to the pattern of development in the vicinity; it is considered that the Board should direct the planning authority to remove the conditions to which the appeal relates – 3(a) and 3(e).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

**Michael Dillon,
Planning Inspectorate**

20th June 2023.