



An
Bord
Pleanála

Inspector's Report ABP-314327-22

Development

Demolition of the existing 9.1m² single storey extension at ground floor level at the rear of the house, construction of a new 13.8m² single storey extension at ground floor level at the rear of the house, lowering the sill level of the existing window in the rear reception room at ground floor level to form a doorway into the proposed new extension, creation of a new opening at ground floor level in the north wall of the existing return at the rear of the house to connect the proposed new extension, creation of a new window opening at ground floor level in the rear facade of the existing return, demolition of the existing 2.75m² single storey lean to outhouse in the rear garden, construction of a new 1.5m² single storey outhouse in the rear garden and ancillary works including repair of the render finish at the rear of the house.

Location

8 Moyne Road, Ranelagh, Dublin 6

Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4040/22
Applicant(s)	Hugh Chaloner & Shona O'Neill
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Hugh Chaloner & Shona O'Neill
Observer(s)	None
Date of Site Inspection	16 th February 2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

1.1 The subject site is located on the western side of Moyne Road and comprises a terraced two-bay two-storey house built c.1880, with three-storey return and single-storey extension to rear. This is an established residential area and the area is characterised by dwellings of similar style.

2.0 Proposed Development

2.1 Permission is sought for the demolition of the existing 9.1m² single storey rear extension at ground floor level and existing 2.75m² single storey lean-to outhouse in the rear garden and construction of a new 13.8m² single storey rear extension at ground floor level and new 1.5m² single storey outhouse in the rear garden. The works also include for the lowering the sill level of the existing window in the rear reception room at ground floor level to form a doorway into the proposed new extension, creation of a new opening at ground floor level in the north wall of the existing return at the rear of the house to connect the proposed new extension, creation of a new window opening at ground floor level in the rear facade of the existing return and all ancillary works including repair of the render finish at the rear of the house.

3.0 Planning Authority Decision

3.1 Decision

The planning authority decided to GRANT permission subject to 11 conditions.

Condition No. 3 is as follows:

3. Prior to the commencement of development, the applicant shall submit the following details for the written approval of the Planning Authority:
 - Updated floor plans showing a revised layout at ground floor level shall be submitted reducing the opening in the north elevation of the return to a maximum width of 3000mm, retaining nibs either side of the opening and a downstand of the historic wall at ensure the integrity of the original planform is maintained. It is also suggested that one of the historic window opens be

retained. A detailed methodology for the proposed structural works and interventions required to facilitate the formation of the opening shall be provided.

- The insertion of a window ope to the gable (west) wall of the return is to be omitted.
- In advance of works commencing on site, the applicant shall submit details proposed finishes and materials proposed for use to the extension to the Planning Authority for their written agreement. These should be of high quality in order to enhance the setting of the Protected Structure.
- 1:10 details of the flashing junctions for the proposed single-storey extension and the rear elevation, including the interface below the sills of the first floor windows to the north elevation of the return.
- Detailed schedules of any repair and reinstatement works required to the historic boundary wall with No.6 Moyne Road, to include structural stabilisation as a result of the excavation of foundations for the new extension, including drawings of same. A method statement for any repair works and interface details associated with construction of the new extension shall be provided, in accordance with best conservation practice.
- Historic fabric to be removed is to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment. Reason: In order to protect the original fabric, character and integrity of the front façade of this Protected Structure. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of orderly development and visual amenity.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The main points of the planner's report include:

- Subject to compliance with the conditions, the proposed development would not seriously injure the amenities of the area or property in the vicinity and therefore would be in accordance with the zoning objective and development standards of the Dublin City Development Plan 2016-2022 and thus the proper planning and sustainable development of the area.
- Recommends a grant of permission, subject to amendment of elements by condition

3.2.2 Other Technical Reports

Drainage Division- no objections, subject to conditions

Conservation Report: Recommends grant of permission, subject to conditions

4.0 Planning History

None

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective Z2' which seeks 'to protect and/or improve the amenities of residential conservation areas'.

No. 8 Moyne Road is on the current Record of Protected Structures (RPS Ref. 5693)
– House

Policy BHA1 and Policy BHA2 relate to Protected Structures

Policy BHA9

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

4.1 Natural Heritage Designations

None

4.2 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, 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.

5.0 The Appeal

5.1 Grounds of Appeal

The main points of the appeal are:

- Appeal against Condition No. 3- first two elements only relating to inter alia reduction in opening in north elevation of the return and omission of window ope in gable (west) wall of return
- Cites previous applications in vicinity with similar type works permitted- 3m not consistent with established planning policy
- Designation of Protected Structure relates to streetscape value of front facade
- Condition 3i- width of opening depends on particularities of case and not referred to in Architectural Heritage Protection Guidelines- no general dimension for width of opening- should be judged on own merits- 3m cited is an arbitrary figure with no justification on consideration or structural grounds- proposed opening incorporates existing openings and leaves substantial piers at end of wall

- Condition 3i also states that downstand must be left across top of opening in order to ensure integrity of original planform- new and old structure will be distinguishable from each other; considers downstand unnecessary as existing wall of return above opening will be visible
- Condition 3ii omits proposed window in end wall of return; contends that extension will sit discreetly alongside the return; imposing gable façade will remain dominant feature; consider window to be a sensitive intervention which relates to existing architecture; purpose is to give visual connection between kitchen and garden; increased light; minimal structural impacts
- Consider that benefits that this window would bring would more than justify the minor loss of historic fabric entailed in its creation; minimal structural and architectural impacts but dramatic improvement in quality of space
- Conservation Division reason for this condition ‘ to protect the original fabric, character and integrity of the front façade of this Protected Structure’ makes no sense as proposed works are entirely to the rear of the house and have no impact on front façade.

5.2 Planning Authority Response

None

5.3 Observations

None

5.4 Further Responses

None

6.0 Assessment

- 6.1 I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. I highlight to the Board that a new City Development Plan has been adopted, since the decision

of the planning authority issued. I have had regard to both local and national policy, including the Architectural Heritage Protection Guidelines for Planning Authorities (2011) in undertaking my assessment.

- 6.2 This is an appeal against Condition No. 3 (first two bullet points) only of the decision to grant permission of Register Reference 4040/22, which issued from the planning authority on 15th July 2022. I highlight to the Board that Condition No. 3 contains six unnumbered bullet point elements, this appeal is against the first two bullet points only. In the interests of clarity, I shall refer to these bullet points within my assessment as 3(i) and 3(ii) respectively. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3(i) and (ii) only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 6.3 **Condition No. 3 (i) and (ii)** (as detailed above), in summary, relates to (i) the reduction in opening in north elevation of the return to a maximum of 3000mm, retaining nibs at either side of opening and a downstand of the historic wall; suggestion to retain one of historic window opes and the submission of a detailed methodology for proposed structural works and interventions. Condition 3 (ii) relates to the omission of window ope in gable (west) wall of return.
- 6.4 I note that Condition No. 3 makes significant alterations to the proposal in terms of impacts on internal layout and flow of the proposed space. I am satisfied that such significant alterations are not warranted in this instance. I acknowledge the Protected Structure status of the property and the concerns of the planning authority in relation to visual amenity. However, I note that the proposed works would not be unduly visible on the streetscape and Condition 3(i) and (ii) would have no implications for the character or integrity of the front façade. I am of the opinion that the proposal is such that it would allow for the provision of additional floorspace to this dwelling without impacting on the character or integrity of the property or that of the street to such an extent as to warrant the significant alterations put forward in Condition No. 3(i) and (ii). I consider that sympathetic proposal has been put forward and I note the contents of the submitted Architectural Heritage Impact Assessment and Photographic Survey. The extent of historic fabric being removed is considered to be minimal within the context of the overall development. I consider

the proposal to be generally in compliance with Development Plan policy, including Policy BHA2. In terms of setting of precedent, I note that each application is assessed on its own merits. I also note that other dwellings in the vicinity have been permitted similar type developments. In terms of impacts on the structural integrity of the dwelling, the appellants' state that a structural engineer will be engaged to design, oversee and certify all structural aspects of the proposal. I am satisfied in this regard.

- 6.5 Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 that Condition No. 3 be AMENDED.

7.0 Appropriate Assessment Screening

- 7.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

- 8.1 Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 3 so that it shall be as follows for the reason and considerations set out.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 3 attached to the grant of permission under planning register reference number 4040/22 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be in accordance with Condition No.s 1 – 11 attached to the grant of permission under P. A. Reg. Ref: 4040/22 on 15th July, 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Condition No. 3 attached to the grant of permission under P. A. Reg. Ref. 4040/22 on 15th July, 2022 shall be amended as follows:</p> <p>Prior to the commencement of development, the applicant shall submit the following details for the written approval of the Planning Authority:</p> <ul style="list-style-type: none"><li data-bbox="359 1489 1391 1635">(i) A detailed methodology for the proposed structural works and interventions required to facilitate the formation of the opening in the north elevation shall be provided.<li data-bbox="359 1668 1391 1926">(ii) In advance of works commencing on site, the applicant shall submit details proposed finishes and materials proposed for use to the extension to the Planning Authority for their written agreement. These should be of high quality in order to enhance the setting of the Protected Structure.

	<p>(iii) 1:10 details of the flashing junctions for the proposed single-storey extension and the rear elevation, including the interface below the sills of the first floor windows to the north elevation of the return.</p> <p>(iv) Detailed schedules of any repair and reinstatement works required to the historic boundary wall with No.6 Moyne Road, to include structural stabilisation as a result of the excavation of foundations for the new extension, including drawings of same. A method statement for any repair works and interface details associated with construction of the new extension shall be provided, in accordance with best conservation practice.</p> <p>(v) Historic fabric to be removed is to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment.</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
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Lorraine Dockery
Senior Planning Inspector

23rd February 2023