



An  
Bord  
Pleanála

## Inspector's Report ABP-314910-22

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<b>Development</b>	PROTECTED STRUCTURE: Change of use from multiple units to single family use, alterations, and all associated site works.
<b>Location</b>	22 Ranelagh Road, Ranelagh, Dublin 6, D06 ED96
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4597/22
<b>Applicant(s)</b>	Edward Fitzgerald
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party Appeal
<b>Appellant(s)</b>	Edward Fitzgerald
<b>Observer(s)</b>	Martin & Mary Thornton
<b>Date of Site Inspection</b>	27 <sup>th</sup> October 2023
<b>Inspector</b>	Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject appeal site, which has a stated area of 0.0232 hectares (232 sqm), is located on the western side of Ranelagh Road to the immediate south of its intersection with Mountpleasent Terrace. The site is occupied by a three-storey (two-storey over basement) end of terrace dwelling, which is a Protected Structure (ref. RPS:6968) dating from the mid-19<sup>th</sup> century.
- 1.2. As per the submitted plans, the existing dwelling has a stated gross floor area of 184.5 sqm and the proposed development has a stated combined gross floor area of 210 sqm.
- 1.3. The dwelling is set back c. 13.5 metres from Ranelagh Road. The northern boundary of the front garden along Mountpleasent Terrace is defined by a c. 1.4-metre-high capped stone wall. The front boundary along Ranelagh Road is defined by a black painted iron railing with pedestrian and vehicular gates. The side/ north site boundary to the rear of the property onto Mountpleasent Terrace is defined by a 2-metre-high capped stone wall. The maximum existing rear garden depth of the subject property is estimated to be c.12.3 metres.
- 1.4. The existing dwelling includes a modest rear two-storey extension which includes an office at upper ground floor level, extends beyond the existing rear elevation by 3.15 metres and has a hipped roof. The rear/ western elevation of this extension includes a narrow PVC door with transparent glazing and a narrow full-length PVC window. This extension is proposed to be demolished.
- 1.5. There is a Mews dwelling located to the rear/ west of the property at No. 1 Clifton Mews which was constructed in the 1980's.

## 2.0 Proposed Development

- 2.1. The proposed development involves,
  - a change of use from multiple units to single family use,
  - demolition of a non-original two storey extension to the rear of the property,
  - the construction of a new kitchen/dining & family room extension at Lower Ground Floor Level to the rear of the property,

- the construction of a private roof terrace above the extension at Ground Floor Level to the rear of the property,
- the construction of a flat roof studio extension at Ground Floor Level,
- the provision for one small dormer extension to the rear to provide improved habitable height space to existing half landing room come new master bathroom at Second Floor Level,
- Various landscaping in rear garden including raised planters, outdoor fireplace with chimney, single storey garden room with flat green sedum roof and pergola,
- Various landscaping to the front including disability access compliant steps - reuse of existing materials,
- Provision for two electric car charging points,
- All associated site works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to **GRANT** Planning Permission on 26/09/2022 subject to 9 no. conditions.

Condition no. 3 reads as follows:

*3. The development hereby approved shall incorporate the following amendments:*

*The proposed roof terrace at upper ground floor level shall be omitted from the development. The flat roof of the ground floor projection shall not be used as a balcony or sitting out area.*

*Reason: in the interests of adjoining residential amenity.*

Condition no. 4 reads as follows:

*4. The developer shall comply with the following requirements of the Conservation Section of Dublin City Council:*

a) *The applicant shall submit the following architectural conservation details/ revisions for the written approval of the Planning Authority prior to the commencement of development.*

i) *The proposed removal of the rear elevation at lower ground floor level will remove the legibility of the floor plan in an original area of the building. It is recommended that the applicant considers the retention of more historic fabric, reducing the opening to the rear elevation to a max 3000mm in width, retaining nibs at both sides and a downstand. It is noted that the line of the internal partition wall will be reinstated as part of the proposed works.*

ii) *The proposed removal of the window opening at upper ground floor, in one of the principle spaces of the Protected Structure is considered an unacceptable loss of significant fabric, impacting the character of this space, and shall be omitted from the development.*

iii) *The applicant is to submit 1:10 details of the proposed floor build up in the lower ground floor including any structural interventions required to historic walls to facilitate the proposed 370mm change in level.*

b) *The proposed dormer constitutes a significant change to the character of the rear elevation of the Protected Structure, shall be omitted from the proposed development and a rooflight provided in its stead to light the proposed bathroom. Detailed design of the proposed rooflight shall be confirmed prior to construction.*

c) *Flashing details for junctions between the new extension and the historic structure have not been provided. 1:10 details of all junctions between the extension and historic structure are to be provided.*

d) *The applicant shall submit detailed schedules of any repair and reinstatement works required to the boundary wall, to include under pinning and structural stabilisation as a result of the excavation of foundations for the new extension. 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.*

e) *The one-over-one timber sash windows to the upper ground floor front elevation and the rear elevation of the subject structure are considered an*

*important element of the building's special character, with the front elevation following an established fenestration pattern to much of the street. The replacement of the windows with two-over-two paned windows is not considered to be an appropriate intervention and shall be omitted from the development.*

*f) The applicant shall submit a detailed schedule of the glazing, noting the survival of any early glass. The application does not include detailed drawings illustrating the impact of the increased rebate to the window frames and glazing bars, where these are present. In order to assess the impact of the slimline glazing, dimensioned drawings of each window type showing the current configuration of frame and glazing and the proposed configuration at 1:10 shall be submitted.*

*g) The applicant shall submit annotated 1:50 drawings detailing proposed service routes including service ducts, proposed heating upgrading works, security and fire alarms and electric installations.*

*h) The locations for two electric car charging points, which should be discrete to minimise impact on the curtilage of the Protected Structure, shall be submitted.*

*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.*

*j) The proposed development shall be carried out in accordance with the following:*

*i) All works to the 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 Housing, Local Government and Heritage. 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.*

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

*iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.*

*iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.*

*Reason: In order to protect the original fabric, character, and integrity of the of the Protected Structure at 22 Ranelagh Road and to ensure that the proposed works are carried out in accordance with best conservation practice.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The **Local Authority Planner** considered that the proposed change of use is a welcome reinstatement of the building's original use. No objection is raised to the proposed demolition of the existing extension.

The Planner recommended that the roof terrace above the single storey extension be omitted due to overlooking of the adjoining property to the rear and the potential negative impact on the residential amenity of the third-party. It was also recommended, by reason of the overlooking concerns raised, that the amendments to the rear window opening at first floor level to provide a full-length patio door to the roof terrace also be omitted.

3.2.2. The Planner further recommended that the proposed dormer window at roof level be omitted and that a rooflight be installed in its place to provide light to a proposed bathroom in the attic space. It was considered that the proposed dormer constitutes a significant change to the character of the rear elevation of the Protected Structure and will offset the balance of the rear of the terrace when viewed from Mountpleasant Terrace and will set an undesirable precedent in the area.

- 3.2.3. The Planner considered that the concerns of the Conservation Section in relation to structural detail drawings, schedules of repair and reinstatement works, method statements for the proposed interventions and interface details, the omission of two-over-two paned windows, detailed drawings and specifications of glazing and the proposed locations of the two electric charging points could be addressed by way of condition.
- 3.2.4. Accordingly, the Planner recommended that planning permission be GRANTED subject to 9 no. conditions. This recommendation was endorsed and a Notification of Decision to GRANT permission was issued on 26/09/2022.
- 3.2.5. Other Technical Reports
- 3.2.6. The **Drainage Division** of the Local Authority, as per the Report dated 17/08/2022, raise no objection to the proposed development subject to a number of standard conditions. The recommended conditions are attached under condition no. 5 (Parts A to F) of the Notification of Decision to GRANT permission dated 28/09/2023.
- 3.2.7. The **Conservation Section** of the Local Authority, as per the Report dated 12/09/2022, raise no objection to the proposed development subject to 3 no. conditions.

## 4.0 Planning History

- 4.1. **4599/18 (Appeal Ref. no. PL29S.304547)**: Applicant: Edward Fitzgerald. Permission for the Demolition of non-original two storey extension to the rear and construction of extension to the rear. Permission was **REFUSED** by An Bord Pleanála on 30/09/2019 for the following 2 no. reasons:

- 1. The proposed extension would sever the relationship between the rear principle rooms and the curtilage of the Protected Structure. The proposal would result in an unacceptable loss of historic fabric including the loss of the original round headed window at the staircase. The proposed would, therefore, contravene Section 11.1.5.1 CHC2 (a), (b) and (d) of the Dublin City Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.*

2. *The site of the proposed development is located within a designated residential conservation area to which the zoning objective Z2 of the Dublin City Development Plan 2016-2022 applies. It is considered that the proposed extension, by reason of its design and detailing would have an overbearing impact on the established dwelling to the west and would seriously injure the residential amenity of the adjacent property. The proposed development fails to respect the established pattern of development in the vicinity, would seriously injure the residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area of the area.*

4.2. **2639/11**: Applicant: Edward Fitzgerald. Permission for the conversion of the existing bathroom extension at the rear into a living room with a new pitched roof and additional glazing, the reinstatement of the stairs to the basement, the conversion of a first-floor bedroom to a bathroom and the provision of off-street parking at front accessed off Ranelagh Road in association with reinstating the premises as a single-family residence. Permission was **GRANTED** on 22/09/2011 subject to 9 no. conditions.

4.3. **3924/10**: Applicant: Edward Fitzgerald. Permission for demolition of the existing two storey extension and the construction of a new two storey extension (7.5m above garden level) to the rear and the provision of off-street parking at the front, accessed off Ranelagh Road, in association with reinstating the premises as a family residence. Other works include enlarging existing attic bathroom and associated window, 2 no skylights and alterations to the basement. Permission was **REFUSED** for the following 1 no. reason:

1. *The proposed development, by reason of its scale and design, is considered inappropriate for this protected structure, would overwhelm the rear façade, and obscure its legibility and would detract from a significant building typology and classical façade. It would therefore be contrary to the provisions of Dublin City Development plan 2011 – 2017 and the proper planning and development of the area.*



## 5.0 Policy and Context

### 5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan, 2022 to 2028.

The appeal site is zoned Z2: Residential Neighbourhoods (Conservation Areas) with the stated zoning objective *'To protect and/ or improve the amenities of residential conservation areas'*.

Residential is a permissible use on lands zoned Z2: Residential Neighbourhoods (Conservation Areas).

Relevant Chapters and Sections, as set out in the Dublin City Development Plan, 2022 to 2028, include the following:

- Chapter 11: Built Heritage and Archaeology
  - 11.5 Policies and Objectives
    - 11.5.1: The Record of Protected Structures
      - Policies BHA1 to BHA6
    - 11.5.2: Architectural Conservation Areas
- Chapter 14: Land Use Zoning
- Chapter 15: Development Standards
  - 15.5 Site Characteristics and Design Parameters
    - 15.5.4 Height
    - 15.5.5 Density
    - 15.5.6 Plot Ratio and Site Coverage
    - 15.5.7 Materials and Finishes
    - 15.5.8 Architectural Design Statements
  - 15.8 Residential Development
  - 15.11 House Developments
    - 15.11.1 Floor Areas

- 15.11.2 Aspect, Daylight/ Sunlight and Ventilation
- 15.11.3 Private Open Space
- 15.11.4 Separation Distances

*“At the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear first floor windows of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. Careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances and windows serving halls and landings which do not require the same degree of privacy as habitable rooms.”*

- 15.12 Standards for Other Residential Typologies
- 15.13 Other Residential Typologies
- 15.15 Built Heritage and Archaeology
- Appendix 17 – Guidelines for Residential Extensions
  - 1.0 Residential Extensions
    - 1.1 General Design Principles
    - 1.2 Extensions to Rear
    - 1.4 Privacy and Amenity
    - 1.5 Separation Distances
    - 1.6 Day Light and Sunlight
    - 1.7 Appearance and Materials
  - 4.0 Alterations at Roof Level/ Attics/ Dormers/ Additional Floors

## 5.2. Ministerial Guidelines

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages), 2009.
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

## 5.3. Natural Heritage Designations

5.3.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## 5.4. EIA Screening

5.4.1. The proposed development is not within a class where EIA applies.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- **Remove Condition no. 3:**
  - Reason 1: The Applicant states that existing measures are in place to obscure overlooking from the Mews Building to the rear and successfully avoids overlooking onto the reduced garden size of the original property of No. 22 Ranelagh Road by means of an 'Existing Trellis Fence' at high level and significant growth of trees and shrubbery, 2 no. photos & a side elevation from Mount Pleasant Terrace are provided.
  - The Appellant states additional measures can be taken such as additional planting but not required. The replacement of the previously proposed Storeroom and the Pergola area at the back of the garden with additional planting trees screen would provide additional privacy between the two houses. This together with the existing trellis fence on top of the stone boundary wall will achieve adequate levels of privacy. Trees can be subjected to containment to limit excessive growing by roots etc.

- Reason 2: Good Estate Management and owner entitlement to direct private open space from Living Room & Dining Room. The existing reduced size rear garden of No. 22 Ranelagh Road due to the development of No. 1 Clifton Mews has resulted in reduced Private Open Space to the property. Options have been investigated here to see how we can maximise Private Open Space for a Family Home which allows for an Upper Ground Floor Terrace utilizing the otherwise vacant flat roof area of the extension. Direct access from the Living & Dining Room is required by the Applicant and this forms the requirement and inclusion of a terrace at Upper Ground Floor Level.
- **Remove Condition no. 4 a) ii):**
  - Reason 1: Design of Respective replacement Historic Doors. The Applicant has included an image of the Proposed Rear Elevation submitted for planning and a photograph of a Roof Terrace Access door.
  - Reason 2: Direct access from the Living & Dining Room is required at Upper Ground Floor Level. This forms an initial important necessity to return to this property. The Applicant repeats the main points made in Reason 2 to remove Condition no. 3.
  - Reason 3: The Applicant includes some examples of the same proposal with the area and similar historic buildings, 4 no. photos are provided which show a roof terrace at the upper floor level.
  - Reason 4: The Applicant presents an alternative option (option B) which involves access to the roof terrace via the studio rear return. A direct quote from the Conservation Report recommendations is referenced, as follows: *'The proposed access to the new terrace Option 02: is to be reconsidered and an alternative means of access from the proposed Studio considered.'* In support of this Option, the Applicant includes 4 no. Figures, Proposed Plan – OPT B), Proposed Section BB – OPT B, Proposed Rear Elevation, Appeal Option B and Proposed Rear Elevation, Submitted for planning.

- **Remove Condition no. 4 b):**
  - Reason 1: A dormer window is essential to accommodate a new bathroom at attic level. A new bathroom at the attic level is required by the Applicant to accommodate three bedrooms at second floor level. Due to the limitations of head height and plan area to fit this new space, the dormer window is the only solution to make this happen and bring additional light into the new room. The Applicant includes 3 no. Figures of the proposed dormer window/ rear elevation, the proposed dormer window, section BB and the proposed Attic Floorplan. In addition, the Applicant includes a total of 6 no. photos examples showing dormer windows in the rear roof planes.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

- **Martin & Mary Thornton.** The Observers are the owners of no. 1 Clifton Mews which backs onto the Appeal site to the south-west. No objection raised to the restoration of no. 22 and the proposed ground floor extension. The Observers agree with the imposition of attaching Conditions 3 and 4 a) ii). If these conditions are to be omitted, it would result in gross overlooking and significant loss of privacy for 1 Clifton Mews. The arguments presented by the Applicant to omit condition no. 3 do not stand up to scrutiny.
- The remaining issues raised in the observation relate to
  - Overlooking,
  - The context of the photographs taken and that of the roof terrace example photographs provided,
  - The assertion of the first party regarding a reduction in private open space,
  - The scope of the Planning Conservation Report which is focused on built heritage conservation and although an alternative means of access to the roof terrace is suggested, such a proposal is not endorsed,

- Similarity of the current proposals in relation to the first-floor extension to the previous proposal which was rejected in 2019. Now the proposal has railings instead of glass walls and is 200mm longer. This design results in a greater loss of privacy and noise exposure to the 2019 proposal. 2019 proposal (ref. no. 304547-19) was not granted as it was deemed that it *‘would have an overbearing impact on the established dwelling to the west and ..... would seriously injure the residential amenities of the area.’* The current proposal does not ameliorate the adverse effects of the 2019 design – it exacerbates them.
- Permission should not be granted for the proposed first floor terrace or the alteration to the original window opening by reason of
  - Overlooking/ Loss of Privacy,
  - Increased Noise and Electric Light Pollution,
  - Would ignore the established pattern of development in the area,
  - Would have adverse effects on residential amenities of the area,
  - Would result in a serious loss of historic fabric.

#### 6.4. Further Responses

- None.

### 7.0 Assessment

- 7.1. At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 to 2023.

7.2. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design & Impact on Visual and Residential Amenities
- Impact on Architectural Conservation

7.3. Design & Impact on Visual and Residential Amenities

7.3.1. Under planning reg. ref. no. 2639/11 permission was granted for the conversion of the existing bathroom extension at the rear of the property into a living room with a new pitched roof and additional glazing. This extension has been constructed and includes a window and door opening on the rear west elevation at the upper ground floor level (FFL 18.28 metres). The extension protrudes beyond the rear west elevation of the subject dwelling by 3.2 metres and the rear window and access door is estimated to be located c. 9.7 metres from the centreline of the rear party wall with the adjacent property to the rear west, no. 1 Clifton Mews.

7.3.2. Under planning reg. ref. no. 4599/18 (Appeal Ref. no. PL29S.304547) permission was refused for 2 no. reasons relating to the proposed design/ loss of historic fabric/ including the original round headed window at the staircase and the overbearing impact that the design and detailing of the proposed extension would have upon the established dwelling to the west/ serious impact on established residential amenity of the adjacent property, see Section 4.1 above planning history for the full 2 no. reasons.

7.3.3. In the case of the said previous proposal, the Applicant had sought to construct a new part three storey/ part two storey extension to the rear of the subject property. The proposal extended beyond the original rear elevation by 4.0 metres and included a new brick wall detail along the northern site boundary with Mountpleasant Avenue to an overall height of 4.6 metres above the lower ground floor finished floor level of 16.16 metres, a glazed flat roof and glazed wall to the proposed kitchen at upper ground floor/ hall level and a new part flat roof/ part curved roof to a new bathroom at first floor level to an approximate parapet height of 7.54 metres above the lower ground floor finished floor level of 16.16 metres.

7.3.4. By comparison, the proposal, as originally presented as part of the subject planning application, proposes the construction of a part single storey/ part two storey flat roof

extension to the rear. The proposed extension extends beyond the existing rear elevation by 4.2 metres, includes the retention of the existing original round headed staircase window and has a maximum parapet height of 5.5 metres above the lower ground finished floor level of 16.15 metres.

- 7.3.5. In short, the current proposal is reduced in height and scale to that of the previous proposal as presented under planning reg. ref. no. 4599/18 (Appeal Ref. no. PL29S.304547).
- 7.3.6. A similar scaled lower ground floor extension is proposed which also extends to 4.2 metres beyond the existing rear elevation. At upper ground floor level, the proposals include a 1.9-metre-wide flat roofed studio room which extends beyond the existing rear elevation by 3.95 metres and aligns with the rear wall of a similarly scaled, albeit higher and wider, existing flat roof extension to the rear of the adjacent property to the immediate south at no. 23 Ranelagh Road.
- 7.3.7. An external terrace is also proposed at this same level and is shown to have a proposed finished floor level of 19.55 metres. The terrace is positioned at the same location to the kitchen extension previously proposed under planning reg. ref. no. 4599/18 (Appeal Ref. no. PL29S.304547), albeit at a higher finished floor level, i.e., 19.55 metres proposed vs 19.00 metres as previously proposed. The proposed terrace measures 16.5 sqm in area and the capping height of the existing stone wall along Mountpleasant avenue is shown to have a level of 19.68 metres.
- 7.3.8. The main rear elevation of existing dwelling to the rear/ west of the subject property, at No. 1 Clifton Mews, is estimated to be located 20.5 metres from the existing rear elevation of the subject property. The finished floor level of the ground floor of No. 1 Clifton Mews, together with its rear garden level, is estimated to be in the region of 16.75 metres, which is c. 1.75 metres below the proposed terrace level at the rear of the subject property. It is noted that the rear party boundary of the subject property with that of No.1 Clifton Mews comprises of a wall and trellis fence which is indicated to have an overall height of 2.6 metres above the level of the rear garden of No. 1 Clifton Mews.
- 7.3.9. A separation distance of 22 metres between opposing first floor windows is referenced in Section 7.4 (Privacy and Security) of the Guidelines on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), 2009, as the



traditional separation distance between the rear of opposing two storey dwellings. The distance between the existing rear/ west window of the hipped roof/ garden room annex is estimated to be a maximum of 17.5 metres to the main rear elevation of No. 1 Clifton Mews.

- 7.3.10. The proposed development includes a new flat roofed studio extension at the same location to that of the said garden room annex and this includes a new rear/ west window. It is proposed to reposition the rear west wall of this said studio extension a further c. 750 mm to the west. This will mean the current separation distance of 17.5 metres will be further reduced to a maximum of 16.75 metres.
- 7.3.11. It is noted that a new flat roof extension was recently constructed to the rear of the adjacent property to the south at no. 23 Ranelagh Road and that this includes a new rear/ west facing window at a similar level to that proposed.
- 7.3.12. The comments of the Applicant in relation to the existing rear boundary treatments, i.e., an existing trellis fence at a high level and the stated significant growth of trees and shrubbery are noted. The Applicant considers that these existing measures obscure overlooking from the Mews Building to the rear and successfully avoids overlooking onto the reduced rear garden of the subject property. There is no reference to overlooking from opposing windows or indeed from the proposed new terrace.
- 7.3.13. The further comments of the Applicant regarding additional planting and the replacement of the proposed storeroom and pergola at the rear of the property are also noted. Again, there is no reference to overlooking from opposing windows or the proposed new terrace.
- 7.3.14. I am satisfied, having regard to the separation distances proposed and the comparable finished floor levels between the proposed terrace and rear/ west window of the new studio extension and the existing first floor windows of no. 1 Clifton Mews, that this has the potential to result in undue overlooking of the said property and that therefore, notwithstanding the existing and proposed screen planting measures presented, will result in an unacceptable loss of existing residential amenity for the occupants of the said neighbouring property to the west.

- 7.3.15. I have examined both revised design Options A & B as presented by the Applicant as part of the Appeal submission, and I am satisfied that neither of the revised design measures presented serve to suitably address the issue of overlooking.
- 7.3.16. The existing stone wall to the rear/ side/ north of the subject property along Mountpleasant Terrace and the associated footpath is indicated to measure 2.0 metres in height. It is noted that it is proposed to provide a railing to the proposed terrace and that the finished floor level of the terrace will be 180 mm below the top capped level of the said wall.
- 7.3.17. Having regard to same and the separation distances proposed between the proposed development and No. 1 Clifton Mews, I would have concerns that the proposed terrace will result in a prominent and overbearing feature on the established character and setting of the area.
- 7.3.18. I am satisfied therefore that the attachment of condition no. 3 is suitably justified in this instance. In my opinion, further minor design alterations are necessitated whereby the proposed rear/ west window of the proposed new studio extension should be either of obscure glazing or consist of a high-level window only and the proposed railing and any associated paving at the terrace level should be suitably omitted and revised proposals for the treatment of same be agreed. In this regard, the wording of Condition no. 3 should be suitably amended to reflect the said additional design alterations.

#### 7.4. Impact on Architectural Conservation

- 7.4.1. Condition no. 4 a ii) and 4 b) of the Notification of Decision to Grant permission relate to specific Architectural Conservation Measures.
- 7.4.2. In relation to Condition no. 4 a) ii), the recommendation of the Conservation Officer, although of similar wording, also stated that '*the proposed access to the new terrace is to be reconsidered, retaining the historic window ope, and an alternate means of access from the proposed Studio considered.*'
- 7.4.3. As set out further above, the attachment of a modified Condition no. 3, is, in my opinion, suitably justified in this instance. As a result of the imposition of Condition no. 3, there is no longer any requirement for direct access to the proposed terrace area from either the proposed dining room or in fact any other location, including from the proposed studio as shown in the Applicants revised Option B. I am

therefore satisfied that the imposition of Condition no. 4 a) ii) is similarly suitably justified since there is no requirement to carry out the works to facilitate access to said terraced area. Condition no. 4 a) ii) should therefore still apply.

- 7.4.4. Condition 4 b) omits the proposed dormer window at roof level to the rear of the Protected Structure and in its place requires that a roof light be installed to serve the proposed bathroom. The Applicant considers a dormer window to be essential to accommodate a new bathroom at attic level due to the required head height. The Applicant has provided a total of 6 no. examples of similar flat roof dormer windows. The setting and context of the said cited examples is unclear. It is unclear for example if they are from a comparable setting and context and whether they relate to Protected Structures.
- 7.4.5. The justification for the attachment of Condition no. 4 b) is set out in the Report of the Conservation Officer which is noted. It is further noted that there is no existing rear dormer precedent along the subject terrace of Protected Structures, house no's 22 to 31 Ranelagh Road.
- 7.4.6. Guidance in relation to the introduction of new dormer windows into Protected Structures is provided in Section 9.4.22 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011. In my opinion, the introduction of a new dormer window, as proposed, will upset the balance of the whole architectural composition of the terrace and would likely set an undesirable precedent for similar proposals into the future. The property is a prominent corner site and is considerably exposed to the rear when viewed from Mountpleasant Terrace.
- 7.4.7. The provision of a dormer window, as presented, would, in my opinion, negatively impact the special character and appearance of the Protected Structure and in this regard, the proposals conflict with the provisions of Development Plan Policy BHA2 and, in particular, BHA2 b), the purpose of which is to *'Protect structures included on the RPS from any works that would negatively impact their special character and appearance.'*
- 7.4.8. Having regard to the plans submitted, I am satisfied that the provision of a bathroom and associated rooflight at attic level can be achieved whilst also maintaining an appropriate head height.

7.4.9. I am satisfied that the attachment of Condition no. 4 b) is therefore suitably justified in this instance.

## 8.0 Recommendation

8.1. Condition no. 3

8.1.1. I recommend that Condition no. 3 be MODIFIED as follows:

*“The development hereby approved shall incorporate the following amendments:*

*The proposed roof terrace and all associated railings and paving at upper ground floor level shall be omitted from the development. The flat roof of the ground floor projection shall not be used as a balcony or siting out area. The rear/ west window of the studio projection shall either be of obscured glazing only or shall be a high-level window only.*

*The above design changes shall be submitted to the Planning Authority for prior written agreement prior to the commencement of any work on site.*

*Reason: In the interests of adjoining residential amenity.”*

8.2. Condition no. 4

8.2.1. I recommend that Condition no. 4 be retained in its entirety and without any modifications.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the site location in an established residential area, the Protected Structure status of the property, the surrounding pattern of development in the area, the zoning objective for the site, the nature and scale of the proposed development, the appeal submission and the site inspection, it is considered that the attachment of a MODIFIED Condition no. 3 is warranted in this instance.

9.1.2. Subject to compliance with the MODIFIED Condition no. 3 below, the proposed extension would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity.

9.1.3. The proposed development, as modified, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

3.	<p>The development hereby approved shall incorporate the following amendments:</p> <p>The proposed roof terrace and all associated railings and paving at upper ground floor level shall be omitted from the development. The flat roof of the ground floor projection shall not be used as a balcony or sitting out area. The rear/ west window of the studio projection shall either be of obscured glazing only or shall be a high-level window only.</p> <p>The above design changes shall be submitted to the Planning Authority for prior written agreement prior to the commencement of any work on site.</p> <p>Reason: In the interests of adjoining residential amenity.</p>
4.	<p>The developer shall comply with the following requirements of the Conservation Section of Dublin City Council:</p> <p>a) The applicant shall submit the following architectural conservation details/ revisions for the written approval of the Planning Authority prior to the commencement of development.</p> <p>i) The proposed removal of the rear elevation at lower ground floor level will remove the legibility of the floor plan in an original area of the building. It is recommended that the applicant considers the retention of more historic fabric, reducing the opening to the rear elevation to a max 3000mm in width, retaining nibs at both sides and a downstand. It is noted that the line of the internal partition wall will be reinstated as part of the proposed works.</p> <p>ii) The proposed removal of the window ope at upper ground floor, in one of the principle spaces of the Protected Structure is considered an unacceptable loss of significant fabric, impacting the character of this space, and shall be omitted from the development.</p>

	<p>iii) The applicant is to submit 1:10 details of the proposed floor build up in the lower ground floor including any structural interventions required to historic walls to facilitate the proposed 370mm change in level.</p> <p>b) The proposed dormer constitutes a significant change to the character of the rear elevation of the Protected Structure, shall be omitted from the proposed development and a rooflight provided in its stead to light the proposed bathroom. Detailed design of the proposed rooflight shall be confirmed prior to construction.</p> <p>c) Flashing details for junctions between the new extension and the historic structure have not been provided. 1:10 details of all junctions between the extension and historic structure are to be provided.</p> <p>d) The applicant shall submit detailed schedules of any repair and reinstatement works required to the boundary wall, to include under pinning and structural stabilisation as a result of the excavation of foundations for the new extension. 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>e) The one-over-one timber sash windows to the upper ground floor front elevation and the rear elevation of the subject structure are considered an important element of the building's special character, with the front elevation following an established fenestration pattern to much of the street. The replacement of the windows with two-over-two paned windows is not considered to be an appropriate intervention and shall be omitted from the development.</p> <p>f) The applicant shall submit a detailed schedule of the glazing, noting the survival of any early glass. The application does not include detailed drawings illustrating the impact of the increased rebate to the window frames and glazing bars, where these are present. In order to assess the impact of the slimline glazing, dimensioned drawings of each window type showing the current configuration of frame and glazing and the proposed configuration at 1:10 shall be submitted.</p>
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- .g) The applicant shall submit annotated 1:50 drawings detailing proposed service routes including service ducts, proposed heating upgrading works, security and fire alarms and electric installations.
- .h) The locations for two electric car charging points, which should be discrete to minimise impact on the curtilage of the Protected Structure, shall be submitted.
- .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.
- .j) The proposed development shall be carried out in accordance with the following:
- .i) All works to the 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 Housing, Local Government and Heritage. 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.
- .ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- .iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- .iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.
- Reason: In order to protect the original fabric, character, and integrity of the of the Protected Structure at 22 Ranelagh Road and to ensure that the

	proposed works are carried out in accordance with best conservation practice.
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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.

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Frank O'Donnell  
Planning Inspector

20<sup>th</sup> November 2023



**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-314910-22		
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Change of use from multiple units to single family use, alterations, and all associated site works.		
<b>Development Address</b>	22 Ranelagh Road, Ranelagh, Dublin 6, D06 ED96		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	√		

**3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?**

		Threshold	Comment (if relevant)	Conclusion
No	√			No EIAR or Preliminary Examination required
Yes				

**4. Has Schedule 7A information been submitted?**

No	√	
Yes		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_