



An
Bord
Pleanála

Inspector's Report ABP-315036-22

Development	Alterations to windows and patio and all associated site works.
Location	24 Northbrook Road, Ranelagh, Dublin 6 – a Protected Structure
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4670/22
Applicants	Jonathan and Nicola McCormick
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Jonathan and Nicola McCormick
Observers	None
Date of Site Inspection	8 th June 2023
Inspector	Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site, at No. 24 Northbrook Road, Ranelagh, Dublin 6, is a mature predominantly residential area featuring a mix of three storey detached and semi-detached dwellings, the majority of which are Protected Structures.
- 1.2. The subject site comprises a 522sqm regular shaped parcel of land on the northern side of Northbrook Road. The subject site features a 408sqm red brick semi-detached three bay, two storey over raised basement Victorian house (constructed c. 1877) which has recently been extended to the rear by way of a single storey extension. The dwelling is set back from the road with a small garden featuring to the front. The main front entrance to this property is on the upper ground floor level with access provided via an external staircase. The subject dwelling is a Protected Structure (RPS No. 5868).
- 1.3. The subject site's eastern boundary is flanked by No. 25 Northbrook Road, a red brick semi-detached three bay, two storey over raised basement Victorian house which forms a pair with the subject property. The subject site's western boundary is flanked by No. 23 Northbrook Road, a red brick semi-detached three bay, two storey over raised basement Victorian house which forms a pair with No. 22 Northbrook Road. To the south of the subject site, on the opposite side of Northbrook Road, are No. 5 Northbrook Road and No. 6 Northbrook Road. These comprise of a semi-detached two storey over raised basement Victorian building in commercial use and a recently extended/renovated red brick 3-4 storey Victorian office building, respectively.

2.0 Proposed Development

- 2.1. Permission is sought for alterations to the front left window at lower ground floor level, removing the existing sash window and replacing it with timber framed French doors. Modifications to the window include: - extending the existing brick surrounding the window to the ground with a matching brick, re-using the existing sill as the threshold of the new door, re-using the existing stonework within the landscaping of the patio, and lowering the level of the existing patio by one step.

3.0 Planning Authority Decision

3.1. Decision

On 10th October 2022, the Planning Authority decided to refuse the development sought under this application for the following stated reason:

1. *The proposed conversion of a window at lower ground floor level of the front elevation to a door contravenes Policy CHC2 (a and b) of Section 11.1.5.3 and Policy CHC4 of the Dublin City Council Development Plan 2016-2022 and Section 10.2.2 of the Department of Housing, Local Government and Heritage's Architectural Heritage Protection Guidelines for Planning Authorities. The proposed works would cause serious injury to the amenity and special architectural character to the front elevation of the Protected Structure and to the streetscape, which is comprised of Protected Structures. The works would set an undesirable precedent for similar works to other historic buildings and protected structures in the area.*

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The new French doors proposed are to be timber framed to match the existing windows and to tie in with the existing French door featuring at basement level of No. 26 Northbrook Road. The applicant notes that there is a precedent for such alterations at No. 26 Northbrook Road who introduced a French door and also at No. 22 Northbrook Road which has front access at basement level through a glass door. The applicants intend to store the window that is to be removed, so that it can be reinstated in the future if so required, as outlined in the Conservation Report, prepared by DMVF Architects, which accompanies the application.
- Having regard to the commentary provided by Dublin City Council's Conservation Officer, it is recommended that planning permission be refused.

3.2.2. *Other Technical Reports*

Drainage Division (30/08/22): No objection, subject to condition.

Conservation Section (26/09/2022): Recommended that the application be refused for the following reason:

- 1. The proposed conversion of a window at lower ground floor level of the front elevation to a door contravenes Policy CHC2 (a and b) of Section 11.1.5.3 and Policy CHC4 of the Dublin City Council Development Plan 2016-2022 and Section 10.2.2 of the Department of Housing, Local Government and Heritage's Architectural Heritage Protection Guidelines for Planning Authorities. The proposed works would cause serious injury to the amenity and special architectural character to the front elevation of the Protected Structure and to the streetscape, which is comprised of Protected Structures. The works would set an undesirable precedent for similar works to other historic buildings and protected structures in the area.*

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

No third-party observations were received by the Planning Authority during the consultation period for the application.

4.0 Planning History

4.1.1. The following previous application pertaining to the subject site are of relevance:

PA Reg. Ref. 2527/19

Permission was granted by Dublin City Council in May 2019 for: - demolition of the modern first floor return extension, the single storey lean-to boiler house and the modern first floor rear balcony; construction of a new single storey flat roofed rear extension with 1 no. strip rooflight; reinstatement of the pitched natural slate roof to rear return where return extension is being removed, removal of the chimney, partitions & first floor of the return; new openings in the side & rear walls of the return, new modern windows to these openings and forming an opening in the eastern side wall of the return at basement level to connect with the proposed extension;

reinstatement of stairs landing window to match original following removal of rear return extension, replacement of modern window in the first floor reception room to the rear with window similar to original with higher cill, new glazed door to rear at basement level following removal of lean-to, new timber sash side windows to proposed WC at ground floor level and bathroom at first floor level, new glazed panel to side basement door, new side door to access store under front steps; modifications at basement level to include removal of modern stairs, new wall opes, new walls, provision of new stairs to ground floor level; modifications at ground floor level to include new wall ope and new partitions & doors to create WC, provision of new double doors between the two main reception rooms; modifications at first floor level to include new wall opes, provision of doors & partitions to create master suite, new bathroom & rear side bedroom; repair & repointing works to facades; repair works to roof; refurbishment of original windows to include slim double glazing and removal of bars to front at basement level; including associated site and drainage works all at a 3 storey semi-detached dwelling.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired.

5.2. Dublin City Development Plan 2022-2028

In the intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 was adopted by the elected members on 2nd November 2022 and came into effect on 14th December 2022. The relevant provisions are discussed in turn below.

5.2.1. Land Use Zoning

The site is zoned 'Z2' – Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2022-2028 with a stated objective to '*protect and/or improve the amenities of residential conservation areas*'. The general objective outlined in the Development Plan for areas subject to this zoning is to 'protect them

from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area’.

5.2.2. **Other Relevant Sections/Policies**

The building featuring on site is a Protected Structure (RPS. No. 5868).

The following policies are considered relevant to the consideration of the subject proposal:

Section 11.5.1 - Policy BHA2: Development of Protected Structures

‘That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*

- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (j) Have regard to ecological considerations for example, protection of species such as bats.*

Section 11.5.1 - Policy BHA9: Conservation Areas

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:

- 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.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

Section 15.15.2.2 – Conservation Areas

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape.*
- *Retain historic trees also as these all add to the special character of an ACA, where they exist.*

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.3.1. The subject site features a Protected Structure (RPS. No. 5868). Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

5.3.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting Protected Structures or within an Architectural Conservation Area. The guidelines seek to encourage the sympathetic maintenance, adaption and reuse of buildings of architectural heritage. Section 10 of the Guidelines relates to development involving openings (doors and windows). Doors, windows and the openings that contain them are identified as important architectural features of an elevation and the design of doors and windows/the materials used deemed to be potentially significant in establishing the special character of a structure. Section 10.2.2 outlines that careful consideration should be given to proposals to alter openings in a Protected Structure or in any

structure within an ACA. It goes on to state that '*on prominent elevations, planning permission should not generally be given for the conversion of window openings to doorways or vice versa where this would be detrimental to the overall design of the structure*'. Section 10.2.3 also outlines that the removal, partial removal or replacement of important features associated with the formation of the opening, such as arches, sills, keystones or architraves may adversely affect the character of the structure.

5.4. Natural Heritage Designations

- 5.4.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located c. 3 kilometres east.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- In the context of Policy CHC2, every effort has been made within this proposal to protect the original sash window, granite sill and ashlar granite below the window and ensure minimal loss. All elements of the original sash window are to be carefully wrapped and stored on site and can be reinstated in the future if desired.
- Historical structures need to be able to evolve and a balance needs to be struck between the architectural significance of the building and the occupiers needs.
- As it stands, the building is out of date for modern use as a family home. Currently, to use the front patio the occupier must exit the house, walk down the side alleyway, around the entrance steps and down the steps to the basement level. The new door will require a minor alteration to the building but the benefit of a south facing garden to this family is enormous.
- In the context of Policy CHC4 and Section 10.2.2, which are concerned with the visual impact of the new French doors, the appellant contends the impact is

minimal. The modification occurs below sill level and will be largely hidden from view at street level due to the step down in level and the proposed planting to screen the door.

- There are existing French doors at No. 26 Northbrook Road. These provide an indication of the potential visual impact such an introduction at No. 24 Northbrook Road will have.
- 3D images prepared as part of this application highlight the visual impact of the new French doors and related planting will have on the front elevation of the subject building and the neighbouring houses.
- As evidenced by photos included, in the context of Nos. 18-27 Northbrook Road (inclusive), the front window at basement level closest the entrance steps is hidden from view in the majority of instances when standing on the adjacent footpath.
- The proposed use of landscape screening echos the landscape screening to basement windows utilised in many of the houses along the street. The proposal will maintain the visual cohesion of the historic buildings on Northbrook Road.
- It should be noted that if it is deemed that the other window, on the right side at basement level, would be more suitable, the occupiers would be happy to fit the French doors there. However, it is felt that the proposal location has less impact on the visual amenity of the building due to it being screened partially behind the entrance stairs.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

- 7.1.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key consideration in the context of the subject application is the proposals impact on architectural heritage.
- 7.1.2. In its consideration of the subject application, the Planning Authority has referenced Policy CHC2 regarding Protected Structures and Policy CHC4 regarding Conservation Areas of the Dublin City Council Development Plan 2016-2022. Although the Dublin City Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the similar policies pertaining to works to a Protected Structure and development within Conservation Areas feature in the recently adopted Dublin City Development Plan 2022-2028, at Policies BHA2 and BHA9. More specifically, Policy BHA2 seeks to protect protected structures from any works that would negatively impact their special character/appearance and Policy BHA9 seeks to ensure that all development proposals within conservation areas are appropriate to the character/special interest of the area. Therefore, the appropriateness of the proposed alterations to the front left window and patio at lower ground floor level in the context of the Protected Structure and Conservation Area still requires consideration in relation to the subject application pursuant to the Development Plan, as well as the Architectural Heritage Guidelines, 2011.
- 7.1.3. The proposed development involves alterations to the front left window at lower ground floor level (removal of the existing sash window and its replacement with timber framed French doors) and lowering of the level of the existing patio by one step. More specifically, modifications to the window include: - extending the existing brick surrounding the window to the ground with a matching brick and re-using the existing sill as the threshold of the new door, while the existing stonework will be re-used within the landscaping of the patio.
- 7.1.4. Dublin City Council's Conservation Officer considered that the proposal would cause serious injury to the amenity and special architectural character of the front elevation of the Protected Structure and to the streetscape, which is comprised of Protected Structures. Having visited the subject site/adjacent street, I would share these concerns.

- 7.1.5. The subject window comprises an original two-over-two timber sash window. I am of the view that the removal of this window and associated brick surround and sill is unacceptable and would have a negative impact on the special architectural character/integrity of this Protected Structure/Conservation Area. The subject dwelling is one of a group of 10 no. houses (5 no. semi-detached pairs comprising Nos. 18-27 Northbrook Road (inclusive)) constructed along the northern side of Northbrook Road. The windows/fenestration detailing is an intrinsic part of the front façade of these properties, including those featuring at basement level given the raised nature of this floor level, and remains intact in the majority of these properties (No. 26 Northbrook Road will be discussed subsequently). In light of this, I consider the removal of the existing sash window to be contrary to Policies BHA2 and BHA9 included in the Dublin City Development Plan 2022-2028 which encourage the retention of the form and structural integrity of the Protected Structure and features that contribute to the overall character and integrity of the Conservation Area, respectively. Further to this, the replacement of this window with French doors is directly at odds with Section 10.2.2 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) which seeks that permission is not given for the conversion of window openings to doorways where this would be detrimental to the overall design of the structure.
- 7.1.6. The appellants in their appeal submission have stated that should the Board deem the other window, on the right side at basement level, more suitable for the introduction of French doors, they would be happy to fit the French doors there. I consider this alternative positioning to have the same negative impact on the special architectural character/integrity of this Protected Structure/Conservation Area and do not consider it a suitable revision to the proposal in this instance.
- 7.1.7. Further to the proposed alterations to the window, it is proposed to drop the level of the existing front patio and introduce planting along the front boundary/adjacent to the patio facilitate the introduction of the French doors and screen views of the same. These aspects of the proposed development will alter the existing dwelling's presentation to the street which is a further undesirable consequence of the subject proposal.
- 7.1.8. Reference is made by the appellant in the appeal/application material to the precedents of French doors/a door on to the front patio at Nos. 26 and 22 Northbrook Road, respectively. Upon review of the precedents detailed, it would appear that the

context/door positioning involved in these instances differ greatly from that involved in the subject application. In the context of the French doors featuring at No. 26 Northbrook Road, the Conservation Officer's Report notes that in the absence of a record of planning permission being granted on the planning register, it is likely to predate current planning legislation (Planning and Development Act 2000 (as amended)). The door featuring at No. 22 Northbrook Road (which was granted under Reg. Ref. 5160/06) comprises a door opening to the side elevation of the steps to the main entrance at ground floor level. Its introduction did not require the amendment of an existing opening and its location, in the side elevation, is more discretely located/less visible than the subject proposal.

- 7.1.9. While I appreciate the appellants desire to create direct access from point to the south facing terrace, I am not satisfied that the introduction of an external door in this position strikes an appropriate balance between improvement to residential amenity against the extent of loss of an original wall and the implications in terms of the integrity of the Protected Structure/Conservation Area. The proposed development, in itself and by the precedent it would set for similar development in the area, would be contrary to the policies and objectives of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

The proposal would result in significant loss of historic fabric and would be seriously injurious to the special architectural character/integrity of this Protected Structure/Conservation Area. The proposed development, in itself and by the precedent it would set for similar development in the area, would be contrary to the policies and objectives of the current Dublin City Development Plan 2022-2028, specifically Policies BHA2 and BHA9 and the Z2 – Residential Neighbourhoods (Conservation Areas) zoning objective applying to the site, and the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

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.

Margaret Commane
Planning Inspector

20th June 2023