



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315075-22

<b>Development</b>	Alterations to previously granted Reg. Ref. 3415/22, involving construction of extension, alterations to building and all associated site works
<b>Location</b>	65 Highfield Road, Rathgar, Dublin 6, with frontage onto Templemore Avenue – a Protected Structure
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4706/22
<b>Applicants</b>	Lorraine and Joseph Lyons
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Lorraine and Joseph Lyons
<b>Observers</b>	Philip O'Reilly
<b>Date of Site Inspection</b>	8 <sup>th</sup> June 2023
<b>Inspector</b>	Margaret Commene

## 1.0 Site Location and Description

- 1.1. The area surrounding the subject site, at No. 65 Highfield Road, Rathgar, Dublin 6, is a mature residential area featuring a mix of two and three storey detached and semi-detached dwellings, the majority of which are Protected Structures.
- 1.2. The subject site has an area of 830sqm and is a regular shaped corner site located north-east of the intersection of Highfield Road and Templemore Avenue. More specifically, the subject site comprises of a c. 275sqm detached three-bay two-storey house with attic, known as Solas. This dwelling was built c. 1910 and is one of eighteen properties on the north side of Highfield Road (Nos. 65 to 82 Highfield Road inclusive) conforming to a near identical building typology. The subject dwelling is a Protected Structure (RPS No. 3862) and the subject site also falls within a Conservation Area.
- 1.3. To the immediate east of the site is No. 66 Highfield Road, a semi-detached three-bay two-storey house. The site's western, northern and southern boundaries are flanked by Templemore Avenue, a laneway and Highfield Road, respectively. To the west, on the opposite side of Templemore Avenue, are No. 63 Highfield Road and Templemore House. No. 63 Highfield Road comprises a 2-storey over basement level semi-detached dwelling with single storey extension which is a Protected Structure (RPS No. 3861). Templemore House comprises a two storey over basement 4-bedroom dwelling which is currently under construction. To the north, on the opposite side of the rear laneway, is No. 25 Templemore Avenue which comprises a 2-storey semi-detached dwelling. To the south, on the opposite side of Highfield Road, is a bungalow known as Holly Lodge, at No. 25B Highfield Road, Dublin 6, which is a Protected Structure and the junction of Highfield Road and Oaklands Drive.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following alterations to previously approved Reg. Ref. 3415/22: - construction of a new part single, part two and part three storey extension with lift to the side in lieu of single storey extension to side previously granted; new / altered internal openings on existing side gable wall to serve proposed extension consisting of 2 no. new openings, alteration of toilet window into a door and 1 no. infilled door opening all at ground floor level; 1 no. new door opening at first floor; alteration of half landing windows into doors at both first and second floor half-landing

levels; new internal partition / subdivision of rear bedroom at first floor / half landing level; alterations / enlarged openings to original brick wall to the front/ side with new window/door opening and aluminium surround; new rooflight to rear slope of existing roof including internal shaft / ceiling alterations to stairwell; new rendered finish to existing single storey extension to rear retention of brick finish conditioned under Reg. Ref. 3415/22; replacement and enlargement of dormer window to front main roof - reduced size conditioned under Reg. Ref. 3415/22; and all associated site, landscaping and drainage works.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 17<sup>th</sup> October 2022, the Planning Authority decided to refuse the development sought under this application for the following stated reason:

- 1. Having regard to the Z2 land use zoning objective, the proposed development by virtue of its height, scale, massing and design would appear overbearing and would seriously injure the architectural character and setting of the Protected Structure, and set an undesirable precedent for this two-storey early 20th century house typology. The proposal would appear visually incongruous and would have a negative visual impact on the character of the conservation area. The proposal would therefore contravene Policies CHC2 and Policy CHC4 of the Dublin City Council Development Plan 2016-2022, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- The proposal represents a significant departure from the permitted single-storey side extension granted under Reg. Ref. 3415/22. Third party concerns regarding the scale and design of the proposal and its impact on the existing dwelling, a Protected Structure, and on the character of the conservation area are noted.

- The Conservation Officer's concerns regarding the height, scale and massing of the proposed three-storey side extension, its relationship with the Protected Structure and the presentation/materiality of the largely glazed southern front elevation.
- The report from the Conservation Officer also notes that it is not clear from the documentation submitted how the proposed three-storey extension can be constructed without impact on the existing limestone boundary wall to Templemore Avenue. In addition, the proposal to provide a large opening to the brick screen wall (separating the front garden from the side garden) represents a significant loss of historic fabric and is also not supported.
- Having already been assessed by the Planning Authority, under planning Reg. Ref: 3415/22, the rendering of the existing single-storey extension to the rear of the property and the proposed enlargement of the existing dormer window are not supported. In addition, the proposed rooflight on the rear facing roof plane which is not considered to be of an appropriate scale or proportion and is not in keeping with the special architectural character of the Protected Structure.
- It is considered that the proposal would appear overbearing and visually incongruous and would have a negative visual impact on the Conservation Area and the setting of a Protected Structure and should therefore be refused.

### 3.2.2. **Other Technical Reports**

**Drainage Division (06/09/22):** No objection, subject to condition.

**Conservation Section (04/10/2022):** Raised concerns regarding the height, scale and massing of the proposed three-storey side extension/its relationship with the Protected Structure, the proposals impact on the limestone boundary wall and brick screen wall, the materiality of the proposed glazing and revised finishing to the existing rear extension, the proposed enlargement of the dormer window and the proposed rooflight and recommended that the application be refused for the following reason:

*'The proposed side extension is considered to be overbearing by virtue of its height, scale and massing, which would seriously injure the architectural character and setting*

*of the Protected Structure, and set an undesirable precedent for this two-storey early 20th century house typology’.*

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

2 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Scale and design.
- Proposed materials.
- Impact on the Protected Structure, other Protected Structures on the street, the conservation area and the character of the area.
- Inconsistency with the applicable zoning provision.
- Dominance of the proposal given its corner site location.

## 4.0 Planning History

### 4.1. Subject site

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

#### **PA Reg. Ref. 3431/23**

This application sought permission for the following proposal: - demolition of existing single storey garage structure, trellis and garden wall to rear; construction of a new single storey detached ancillary family accommodation to rear of main house with 2no. rooflights; part infill of 1 of 2 existing vehicular entrances on Templemore Avenue to change it into a pedestrian only entrance; infill of second existing vehicular entrance on Templemore Avenue from the inside only to allow future reinstatement of garage after ancillary family accommodation use ceases; and all associated site, landscaping and drainage works.

Permission was granted by Dublin City Council on 17<sup>th</sup> May 2023 subject to 10 no. conditions, including Condition No. 2 which reads as follows:

*2. The development shall comply with the following Transportation Division requirements:*

*(i) No future reinstatement of a vehicular entrance on Templemore Avenue to the rear of no. 65 Highfield Road is permitted under this grant of planning permission.*

*(ii) Pedestrian entrance shall not have an outward opening gate/door.*

*(iii) On the removal of existing vehicular accesses on Templemore Avenue, a raised kerb and footpath shall be provided to the requirements of the Area Engineer, Roads Maintenance Division and road line markings alterations to be agreed with the Traffic Advisory Group at Dublin City Council. All works shall be carried out prior to the completion of the development and at the applicant/developers own expense.*

*(iv) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.*

*(v) The developer shall be obliged to comply with the requirements set out in the Code of Practice. Reason: In the interests of visual amenity.*

**PA Reg. Ref. 3415/22 (parent permission)**

This application sought permission and retention permission for the following proposal:

- demolition of existing modern single storey extensions to side and rear; construction of new single storey extensions to the side and rear with rooflights; retention of existing single storey extension to rear and permission for new rendered finish, new cappings and removal of chimney to same; rebuilding of single storey shed / boiler house to side; replacement and enlargement of dormer window to front main roof; conservation works to the exterior including rebuilding / repairs to brick wall to front / side; brick repointing / moisture treatment to gable; reinstatement of canopy hipped roof, timber columns and arches to front elevation; replacement of 5no rear windows (non-original) at first / second floors; replacement of existing front vehicular gate piers onto Templemore Avenue; and all associated site, landscaping and drainage works.

Permission was granted by Dublin City Council on 26<sup>th</sup> April 2022 subject to 17 no. conditions, including Condition No. 4 which reads as follows:

*4. The development shall be revised as follows:*

*a) the replacement front dormer window shall not exceed the height, width and depth of the existing dormer window;*

*b) the proposed new side and rear extensions and rear extension for retention shall be finished in brick; 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.*

#### **PA Reg. Ref. 2439/13**

This application sought permission for the following proposal: - construction of a single storey detached house within the rear garden of the existing dwelling fronting Templemore Avenue. The proposed new dwelling comprised 2 bedrooms - 1 ensuite, living/dining/kitchen area, bathroom, storage space and hall, totalling 86 square metres. The development included the demolition of existing garage and car-port; forming an opening in the existing stone wall for a new car entrance onto Templemore Avenue; provision of on-site parking space; forming a 1.8 metre high boundary wall between the development site and the remaining garden to provide 49 square metres of private open space.

Permission was refused by Dublin City Council on 31<sup>st</sup> May 2013. The Planning Authorities decision was appealed to An Bord Pleanala by the applicant (Appeal Reference PL29S.242152). The Board granted permission in October 2013 subject to 6 no. conditions, including Condition No. 2 which read as follows:

*2. The entire development including the Southern boundary shall be moved 1.7 metres to the South. The existing rear (Northern) wall of the garden shall be retained and re-instated and the space between this wall and the re-located house shall be accessed from the house by the provision of a new accessway from the proposed dwelling house. Drawings showing the above alterations*

*shall be submitted to the planning authority for written agreement prior to commencement of development.*

*Reason: To make provision for any future development of the existing laneway as a mews lane.*

## 4.2. Adjacent Sites

4.2.1. There has been a number of recent applications on sites adjacent to the subject site that are pertinent to the current proposal. This is summarised below/overleaf.

No. 63 Highfield Road, Rathgar, Dublin 6 (immediately west of the subject site)

### ***PA Reg. Ref. 3030/21 (Appeal Reference ABP-311340-21)***

This application related to a proposal for modifications to a previous grant of permission Reg. Ref. 2649/20 (for a new three-storey, 4-bedroom, semi-detached dwelling). Modifications to include a new screened 30 sqm balcony/terrace to the proposed flat roof to the rear (north) at first floor together with internal modifications to WC, circulation and habitable room arrangements, all with associated works and site services.

Permission was refused by Dublin City Council in August 2021. The Planning Authorities decision was appealed to An Bord Pleanála by the applicant (Appeal Reference ABP-311340-21). The development was granted permission by the Board in January 2023. At the time of site inspection, construction of this dwelling had not yet commenced.

### ***PA Reg. Ref. 2649/20***

Permission granted by Dublin City Council in December 2020 to construct a new three-storey, 4-bedroom, 172sqm, semi-detached dwelling to the side (east) of the existing dwelling at No. 63 Highfield Road (Protected Structure).

Site at rear of No. 63 Highfield Road (fronting Templemore Avenue), Rathgar, Dublin 6 (immediately west of the subject site)

### ***PA Reg. Ref. 2987/17***

Permission granted by Dublin City Council in July 2017 for proposed works comprising internal and external modification to dwelling permitted under PA Reg. Ref. 1156/08



and ABP Ref. 29S.228591. Modifications include (a) modification to the basement to provide an additional 40 sq. m for storage and boiler use; (b) minor modifications to the ground and first floor plans, including an enlarged kitchen/utility area in a single-storey projection at the rear (additional 4 sq. m.) and (c) external modifications to front elevation including 2 no. ground floor bay windows replacing the single bay window with terrace at first-floor level over as previously approved: modified roof profile and associated elevation alterations.

***PA Reg. Ref. 1156/08 (Appeal Reference 29S.228591)***

This application related to a proposal for the construction of new two storey over basement detached dwelling to include entrance hall, kitchen, utility room, w.c, lounge/dining area at ground floor, 4 no. bedrooms, bathroom and terrace at first floor level, playroom and ancillary storage at basement level, new entrance off Templemore Avenue and associated site and landscaping works.

Permission was granted by Dublin City Council in March 2008. The Planning Authorities decision was appealed to An Bord Pleanala by a third party (Appeal Reference 29S.228591). The development was granted permission with revised conditions by the Board in November 2008.

**4.3. Sites in the Vicinity**

4.3.1. There have been 2 no. recent applications pertaining to corner sites in the immediate vicinity of the subject site that are pertinent to the current proposal. These are summarised below/overleaf.

Corner of Highfield Road and Neville Road, address 'Hampstead' No. 73 Highfield Road, Rathgar, Dublin 6 (east of the subject site)

***PA Reg. Ref. 4733/19***

Planning Permission granted in February 2020 for construction of a single storey extension to rear and two storey extension to the side of existing dwelling to include, replacement of existing ground floor garage to side with a new 2 storey extended gable roofed extension, subservient to main dwelling, and flat roofed extension to the rear, all with rooflights, internal modifications with associated landscaping and boundary treatment and all associated site and ground works necessary to facilitate the development.

No. 82 Highfield Road, Rathgar, Dublin 6 (east of the subject site)

**PA Reg. Ref. 4369/17**

Planning permission was granted in January 2018 for construction of a single storey extension to the rear and side, alterations, refurbishment and repairs to a protected structure. Works to include removal of conservatory and existing kitchen extension, repointing of original brickwork, repair works to roof including proposed re slating and refurbishment of existing garage to rear of garden.

## **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 2<sup>nd</sup> November 2022 and came into effect on 14<sup>th</sup> 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. 3862).

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 11.5.3 - 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 11.5.3 - Policy BHA10: Demolition in a Conservation Area**

*There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.*

### **Section 11.5.3 - Policy BHA15: Twentieth Century Buildings and Structures**

*(a) To encourage the appropriate development of exemplar twentieth century buildings and structures to ensure their character is not compromised.*

*(b) To encourage the retention and reinstatement of internal and external features, that contribute to the character of exemplar twentieth century buildings, such as roofscapes, boundary treatments, fenestration pattern, materials, and other features, fixtures and fittings (including furniture and art work), considered worthy of retention.*

### **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.*

## **Appendix 18 - Ancillary Residential Accommodation**

### **Section 1.1: General Design Principles**

*The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.*

*Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document.*

*Applications for extensions to existing residential units should:*

- *Not have an adverse impact on the scale and character of the existing dwelling.*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.*

- *Achieve a high quality of design.*
- *Make a positive contribution to the streetscape (front extensions).*

### **Section 1.3: Extension to Side**

*Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.*

*Side gable, protruding parapet walls at eaves/ gutter level of hip-roofs are not encouraged.*

*The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/ open space/ roads etc.), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/ extent of the side gable as viewed from the public realm.*

### **Section 1.7: Appearance and Materials**

*The extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings; the appearance of the existing structure should be the reference point for any consideration of change that may be proposed. The materials used should complement those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials.*

### **Section 4.0: Alterations at Roof Level/Attics/Dormers/Additional Floors**

*The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch or cladding of a roof is carefully considered. Alterations at roof level can include the conversion of an attic space and inclusion of*

*dormer windows or the provision of an additional storey modifying the roof profile entirely.*

*The following criteria will be considered in assessing alterations at roof level:*

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape.*
- *Distance/ contrast/ visibility of proposed roof end.*
- *Harmony with the rest of the structure, adjacent structures, and prominence.*

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

5.3.1. The subject site features a Protected Structure (RPS. No. 3862). 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.

5.3.3. Section 6.8 of the Guidelines includes guidance in relation to extensions. In the context of extensions, new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure. Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong

to the historic fabric. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

- 5.3.4. Section 9.2 outlines that proposals to alter the shape of the roof of a protected structure or of a structure within an ACA will have a potential impact on the character of the structure and its surroundings. It should not be permitted without careful consideration of the circumstances. It goes on to state that '*roofs of protected structures should retain their original form and profile and not be radically altered*'. Section 9.4.2 also outlines that where it is proposed to install new dormers or rooflights, the extent of potential damage to historic roof structures should be considered. If the building is part of a terrace, the proposed addition may upset the balance of the whole architectural composition. New rooflights and dormers on minor or concealed slopes may be considered acceptable in some cases.

#### 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. 2 kilometres east.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Due to recent changes in their family circumstance, the applicants are in urgent need of additional accommodation with universal access.
- The form of the original house and the limestone boundary wall have been central to the design concept of the subject proposal. The flat of roof form adopted is subservient, being set back from the front/rear elevations and below the roofline of the existing pitched roof, so that the existing dwelling retains



prominence. The proposed extension will be built inside the existing limestone boundary wall so it also retains its prominence.

- A two storey with attic floor side extension has been approved at No. 73 Highfield Road (under Reg. Ref. 4733/19) which has a similar corner site house typology. This precedent was overlooked by the Conservation Officer and Planning Officer. The subject proposal is no higher than the ridge of this built extension and looks to avoid such Edwardian style replication.
- Although 3 storeys, careful play on massing and reduced floor to ceiling heights have been used to achieve the subject extension. This culminates in a unique and distinctly contemporary design.
- In terms of design, while entirely contemporary in its conception, the use of brick and timber echos that of the original house but in a contemporary manner.
- While the interior is not protected, the design was mindful of minimising the original layout of the house. For that reason, the lift which needs to provide as much universal access to the house as possible was located to the exterior within the footprint of the new extension.
- The proposed extension results in a mere 34% increase in the elevational width of the subject dwelling.
- The subject extension has been designed to be sympathetic to the original structure through the careful selection of materials, detailing and careful treatment of massing.
- The proposed additional accommodation and lift will keep the structure in active and meaningful use, consistent with Section 3.10 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- The appellant notes that the proposed setback could be increased by a further 300-400mm and still accommodate a double bed/side lockers, however, they are of the opinion that this change is marginal to the exterior massing but will impact on the usability/universal accessibility of the first floor bedroom. They request that if the Board consider such a change necessary, that they request its incorporation by way of condition.

- The appellant contends that they are consistent with Policy CHC4 as the proposal involves the removal of a substandard lean-to extension and the new extension is contemporary in design.
- The proposed extension creates a strong architectural bookend for this row of similar houses. It also responds to the height and massing of the side extension approved to the west at No. 63 Highfield Road.
- In response to the concerns raised by the Conservation Officer regarding the glazed southern elevation of the proposed extension, the appellants has included an alternative front elevation glazing treatment. Should this element of the design be considered the main obstacle to granting permission, the appellant asks that the Board consider this alternative in assessing the application.
- In response to the concerns raised by the Conservation Officer regarding the limestone boundary wall's removal being necessary to facilitate the extension, the appellants advise that an engineering and foundation design solution will be utilised to ensure the wall is retained. Details on this can be requested by way of condition.
- In response to the concerns raised by the Conservation Officer regarding the brick screen wall, the appellants note that this was originally built and intended as a secondary garden/screen wall and that the rebuilding of similar walls has previously been permitted, most notably at No. 73 Highfield Road, under Reg. Ref. 4733/19. The use of aluminium framed windows in its place is intended to differentiate between the intervention and the original fabric. However, should the Board consider that less alterations to that wall/a greater retention of original fabric is more appropriate, it is respectfully requested that issue be dealt with by way of condition.
- In response to the concerns raised by the Conservation Officer regarding the change in finishes of the original rear extension, the appellants note that there are multiple examples of contemporary rendered extensions being granted to the rear of Protected Structures within the municipality. They contend that the adoption of a self coloured silicone based render will ensure that the render

won't stain/will weather well. It is requested that the Board consider granting this aspect of the proposal even if by way of split decision.

- In response to the concerns raised by the Conservation Officer regarding the enlargement of the existing dormer, the appellants note that the current dormer is non-original/in poor condition and an enlarged dormer is required to provide appropriate wall thickness/insulation. The required enlargement is considered to be visually immaterial. It is requested that the Board consider granting this aspect of the proposal even if by way of split decision and/or a condition requiring plans be agreed.
- In response to the concerns raised by the Conservation Officer regarding the rooflight proposed on the rear roof pitch, the appellants note that it features on a secondary rear extension, it is needed to provide light to a stairwell and is modest in scale. They ask that it be approved as proposed, however, they express a willingness to adopt a reduced size roof light or two small rooflights should the Board deem such a change necessary. Such amendments can be requested by way of condition.

## **6.2. Planning Authority Response**

- None.

## **6.3. Observations**

6.3.1. One observation to the first party appeal was received within the prescribed time. The issues raised therein can be summarised as follows:

- The Local Authority decision was correct and should be upheld.
- The proposal would be incompatible with the architectural character of the area and its setting.
- The subject dwelling is one of a group of Edwardian houses of outstanding architectural merit and is within a residential conservation zoned area. Any development associated with these important structures should be in keeping with and respect the existing design, character and environment of these structures.

- Due to the corner nature of the subject site, the proposed development would be highly visible from both adjoining streets and due to its design/materiality would dominate the entire area. The proposed materials are alien to this part of Rathgar.
- The dormer windows proposed should be in keeping with the Protected Structure.

#### 6.4. Further Responses

- None.

### 7.0 Assessment

As part of the grounds of appeal, the appellant submitted an alternative front elevation glazing treatment in response to the Planning Authority's reasons for refusal of planning permission and the items raised by the Conservation Officer regarding the glazed southern elevation of the proposed extension in their commentary on the application. This alternative front elevation glazing treatment introduces vertical timber battens at the front of the proposed glazing. The Applicants ask that the application as originally lodged with the Dublin City Council on 23<sup>rd</sup> August 2022 form the basis for the Board's assessment in the first instance. However, in the event that the Board are not convinced by the front elevation lodged originally with the Planning Authority, the Applicant asks that the Board consider the revised proposal received by the Board on 10<sup>th</sup> November 2022. It is noted that the revised plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, I will consider both the proposed development as originally lodged and the revised proposal accompanying the appeal as part of my assessment below.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development
- Impact on Built Heritage/Visual Impact
- Residential Amenity

- Other Matters
- Appropriate Assessment

As previously discussed, the subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired and in the intervening period, the Dublin City Development Plan 2022-2028 has been adopted by the elected members and came into effect on 14<sup>th</sup> December 2022. In light of this, the subject application will be assessed having regard to the Dublin City Development Plan 2022-2028.

### **7.1. Principle of Development**

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the Protected Structure and Conservation Area/ visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below/overleaf.

### **7.2. Impact on Built Heritage/Visual Impact**

7.2.1. As previously outlined, the house featuring on site is a Protected Structure (RPS. No. 3862) and the subject site falls within a Conservation Area. Further to this, the proposed development site occupies a prominent/highly visible location to the north-east of the junction of Highfield Road and Templemore Avenue and immediately opposite the intersection of Highfield Road and Oaklands Drive.

7.2.2. In its decision to refuse permission, 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. They concluded that the proposed development would seriously injure the architectural character and setting of the Protected Structure, and set an undesirable precedent for this two-storey early 20<sup>th</sup> century house typology, and that the proposal would appear visually incongruous and would have a negative visual impact on the character of the Conservation Area. The observer also contended that the proposed extension would

be incompatible with the architectural character of the area/its setting and negatively impact on the existing Protected Structure.

7.2.3. 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 extension to the existing dwelling 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.

7.2.4. The proposal entails the following alterations to previously approved Reg. Ref. 3415/22 (in summary): - construction of a part single, part two and part three storey extension to the side of the existing dwelling and associated alterations to the existing dwelling; introduction of a new rooflight to rear slope of the existing roof; new rendered finish to the existing single storey rear extension; and replacement/enlargement of dormer window to front main roof. I will consider the impact of each aspect of the proposed development on the curtilage, setting and character of the Protected Structure/Conservation Area in turn below. In considering the impact of the proposed development on the Protected Structure and the Conservation Area, I will have regard to the Architectural Heritage Impact Assessment submitted with the application, the Planning Authority's Planners Report, the commentary of the Council's Conservation Officer and the Architectural Heritage Guidelines, 2011, as well as the relevant Development Plan Policies.

#### Proposed Extension and Associated Works to the Existing Dwelling

7.2.5. This aspect of the proposal entails the following more specifically: - construction of a new part single, part two and part three storey extension with lift to the west of the

existing dwelling, comprising of a living room, utility room and hallway at ground floor level, a bedroom, bathroom and hallway at first floor level and an ensuite bedroom at second floor level; new / altered internal openings on the existing side gable wall to serve the proposed extension, consisting of 2 no. new openings, conversion of a toilet window into a door and 1 no. infilled door opening all at ground floor level, 1 no. new door opening at first floor and conversion of half landing windows into doors at both first and second floor half-landing levels; new internal partition / subdivision of rear bedroom at first floor / half landing level; and alterations / enlarged openings to original brick wall to the front/ side with new window/door opening and aluminium surround.

7.2.6. The part of the site within which it is proposed to construct this extension is to the west of the existing dwelling with frontage to Templemore Avenue. It is currently occupied by a single storey extension comprising a utility room, storage sheds, a courtyard area and an outdoor amenity space. Pursuant to Reg. Ref. 3415/22, permission was granted to demolish the existing structures and construct a slightly taller (3.305 metres)/larger (c. 20sqm) single storey extension comprising a utility room and a storage shed. The subject proposal looks to alter this grant of permission.

7.2.7. The Planners Report contends that the proposal represents a significant departure from the single-storey side extension granted under Reg. Ref. 3415/22. In recommending that the proposed extension be refused, the Planners Report concluded that this aspect of the proposal would appear overbearing and visually incongruous and would have a negative visual impact on the Conservation Area and the setting of the Protected Structure. Dublin City Council's Conservation Officer deemed the height, scale and massing of the proposed three-storey side extension to be problematic in conservation terms. The proposal in their view bearing little relationship with the Protected Structure, being at odds with the established precedent for this two-storey building, being overbearing by virtue of its height/scale and setting an undesirable precedent for this house typology. The concealment of the current brick gable and the two half-landing windows and the largely glazed southern elevation, which directly presents onto Highfield Road, were deemed particularly undesirable elements of the proposed extension. Similar concerns were expressed in the observation on the first party appeal received, the observer stating that due to the corner nature of the subject site, the proposed development would be highly visible

from both adjoining streets and due to its design/materiality would dominate the entire area.

7.2.8. The appellants argue that although 3 storeys, this contemporary extension will sit comfortably on the subject site/be subservient to the Protected Structure due to the careful play on massing, reduced floor to ceiling heights, setbacks from the front/rear elevations and flat roof form adopted. The appeal/application material refers to two developments approved in the surrounding/wider area as precedent for the subject extension. Firstly, the two storey side extension approved at No. 73 Highfield Road, under Reg. Ref. 4733/19 (discussed in Section 4.3.1), and, secondly, a two storey over lower ground floor level side extension approved at No. 88 Kenilworth Square, Rathgar, Dublin 6, under Reg. Ref. 4389/18/ABP Ref. ABP-303633-19. Both sites involved in these applications were corner sites. Upon review of these approved extensions, it would appear that the extension proposals involved differ from that involved in the subject application. The extension approved at No. 73 Highfield Road comprised of a 2-storey extension, the upper floor of which adopted a 1.53 metres setback from the front and rear facades. The extension approved at No. 88 Kenilworth Square comprised of a 3-storey extension, the upper floor of which adopted generous setbacks from the front, rear and side facades. Irrespective of these, while I consider these 2 no. permissions to be indicative of the Planning Authority's/Board's acceptance of the principle of multi-storey contemporary extensions being introduced to the side of Protected Structure, each planning application for the same is considered on its individual merits and the Planning Authority/Board are not bound by previous decisions pertaining to similar sites. The subject application will be considered on its individual merits.

7.2.9. As previously discussed, the subject dwelling is a Protected Structure and falls within a Conservation Area. Further to this, the subject site is prominent due to its positioning adjacent to two street intersections and also as it bookends the row of eighteen properties featuring on the north side of Highfield Road (Nos. 65 to 82 Highfield Road inclusive). Therefore, careful consideration is needed when introducing a side extension on the subject site. Having visited the subject site/adjacent streets, I am not satisfied that the proposed 3 storey extension is a suitable addition to the subject



dwelling and I would share the concerns of the Dublin City Council Planning Officer/Conservation Officer and the observer.

7.2.10. It is my opinion that the subject proposal, due to its scale and massing, overwhelms the existing Protected Structure on site. The proposed extension is 3 storeys in scale (extending to a maximum height of 8.23 metres), adopts limited setbacks from the front and rear facades at upper floor level (the first floor level being developed flush with the rear façade and setback a mere 1.5 metres from the front facade and the second floor level adopting a setback of 2.3 metres from the rear façade and 1.5 metres from the front façade) and is developed flush with the western (side) boundary at upper floor level. The proposed extension comes within 300mm of the roof profile of the gable and when viewed in the context of the front façade, the proposed extension projects 1.2 metres above the existing eaves. In their comparing of the subject proposal with that approved at No. 73 Highfield Road, the appellants refer to the fact that there is only a 10sqm/10% increase in gable coverage involved in the subject proposal (23sqm or 23.5% of the original gable wall remaining visible as part of the proposed design) when compared to this nearby development. While from a numerical perspective, this difference in gable coverage might seem minimal, in reality the relationship between the subject extension and the existing gable wall/front facade differs greatly from that of this nearby development. Due to the height, massing and roof form adopted the proposed extension appears visually jarring when read in conjunction with the existing dwelling on site and the streetscape more broadly.

7.2.11. The proposed extension is contemporary in design/materiality, incorporating a flat roof and utilising brick, timber cladding and extensive glazing in terms of finishes. While I would have no objection per se to a contemporary extension being introduced to the side of this dwelling (in fact contemporary extensions are encouraged by Development Plan/National Policy), I feel that the design/materiality of the subject proposal is incongruous in the context of the existing dwelling on site. The timber cladding encasing part of the first and second floor level and the extensive glazing featuring on the front façade increases the extensions vertical emphasis to it and adds further to its visual bulk.

- 7.2.12. Having considered the built form, scale, siting and materiality/design of the subject proposal, I am not satisfied that this aspect of the proposed development would sit comfortably in the context of the existing Protected Structure on site or the Conservation Area/Highfield Road and Templemore Avenue streetscapes more broadly. The proposed extension is inappropriate in scale and design relative to the subject dwelling and will significantly detract from the Protected Structure featuring on site and the visual amenity of this area. The proposed extension, 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 extension would, therefore, be contrary to the proper planning and sustainable development of the area and should be refused permission.
- 7.2.13. As previously discussed, the appeal is accompanied by an alternative front elevation glazing treatment in response to concerns raised by the Conservation Officer regarding the glazed southern elevation of the proposed extension. The appellant asks that the Board consider this alternative in assessing the application, in the event that they do not consider the front façade treatment as originally lodged appropriate. While a reduction in the extent of glazing proposed is welcomed, upon review, I am not satisfied that the revisions to the front elevation glazing treatment proposed go far enough to alleviate my concerns regarding the proposed extension's relationship with the existing dwelling (which is a Protected Structure)/its streetscape presentation. Therefore, my recommendation remains that this aspect of the proposed development be refused by the Board for the reasons outlined above.
- 7.2.14. Further to considering the alternative front elevation glazing treatment put forward by the applicant, I have also considered the possibility of removing the proposed second floor, by way of condition, to address concerns regarding the proposed extension's bulk/massing. While I think there is scope for the introduction of a suitably designed contemporary 2 storey side extension on the subject site, given the contemporary nature of the proposed extension/the complexity of its elevational treatment/its direct frontage to Highfield Road and Templemore Avenue, I am not satisfied that this could be achieved by simply attaching such a condition. A more considered/Architect led approach would be needed in terms of redesigning the subject proposal and achieving

a suitably designed 2 storey extension on the subject site. Therefore, it continues to be my recommendation that this aspect of the proposed development be refused by the Board for the reasons outlined above.

7.2.15. There are two further aspects of the proposed extension that I consider warrant discussion – the works proposed to the brick screen wall and building up to the limestone boundary wall. In the context of the brick screen wall, Dublin City Council's Conservation Officer contends that the proposal to provide a large opening to the brick screen wall (separating the front garden from the side garden) represents a significant loss of historic fabric and is not supported. With regards to the limestone boundary wall, Dublin City Council's Conservation Officer notes that it is not clear from the documentation submitted how the proposed three-storey extension can be constructed without impact on the existing limestone boundary wall to Templemore Avenue.

7.2.16. The subject site is one of 4 no. corner plots featuring within the row of eighteen properties on the north side of Highfield Road (Nos. 65 to 82 Highfield Road inclusive) conforming to a near identical building typology. The other 3 no. corner plots are Nos. 73, 74 and 82 Highfield Road. In terms of screen walls, No. 73 Highfield Road features a double storey side extension (permitted pursuant to Reg. Ref. 4733/19) the ground floor front façade of which incorporates a 2.9 metre wide garage door in the brick screen wall; No. 74 Highfield Road is devoid of a brick screen wall (a recessed double storey extension and landscaped area having been introduced to the side of the existing dwelling some time ago); and No. 82 Highfield Road features an area of planting to the side of the dwelling immediately proximate to the front façade, the wall featuring to the side of the dwelling having been recessed to facilitate an extension of the front canopy. Further to this, as detailed in the Architectural Heritage Impact Assessment submitted with the application and as viewed on site, the front brick screen wall is in poor condition with a number of bricks dislodged. Given the degree of variance that exists across these 3 no. corner properties and the subject site, in terms of side screen wall, and the current condition of the brick screen wall on the subject site, I think there is scope for changes to be made to the existing brick screen wall in conjunction with an extension proposal without the integrity of the Protected Structure/the streetscape being detrimentally impacted upon. However, in this

instance the extension proposal put forward is not suitable for the reasons outlined above.

7.2.17. Turning my attention now to the limestone boundary wall. I am satisfied that through careful engineering/construction, the introduction of an extension to the subject dwelling could be achieved without detrimentally impacting upon the existing limestone boundary wall. Should the Board be so minded to grant permission for the proposed extension, I would recommend that a condition be attached requiring that construction methodology drawings/details regarding works proximate to this wall be submitted to and agreed with the Planning Authority prior to the commencement of the demolition/construction works.

#### Rooflight on the Rear Roof Pitch

7.2.18. Permission is also sought to install a new rooflight to the rear slope of the existing roof, serving the stairwell.

7.2.19. In regards to this aspect of the proposed development, the Conservation Officer raised concerns that the proposed rooflight is of an inappropriate scale or proportion and is not in keeping with the special architectural character of the Protected Structure. In response to these concerns raised, the appellants note that it features on a secondary rear extension, is needed to provide light to a stairwell and is modest in scale (I note a slight inaccuracy in this commentary. The rooflight features on a rear roof plane as opposed to a secondary extension). They ask that it be approved as proposed, however, they express a willingness to adopt a reduced size roof light or two small rooflights should the Board deem such a change necessary.

7.2.20. The proposed rooflight will be c. 2sqm in size (1.1 x 1.9 metres) and be located on the rear roof plane, more specifically proximate to the roof ridge line and the westernmost chimney. The roof spans for 10.745 metres. Currently, the rear roof plane features 2 no. rooflights. In my opinion, the introduction of the proposed rooflight will not detrimentally impact upon the special architectural character of the Protected Structure. The proposed rooflight, on its own or in combination with the existing rooflights, will be subordinate to the roof profile within which it is located, with a

significant amount of the original roof still visible. I note that a no. of rooflights (in a variety of sizes and positions), and in some cases dormer windows, have been introduced to the rear roof planes of Nos. 66 to 82 Highfield Road (inclusive) to the east. Further to this, given the proposed roof light is located on the rear roof plane proximate to the westernmost chimney, there will be limited views of this aspect of the proposal within the wider Conservation Area/streetscape.

7.2.21. While I note that Dublin City Council's Conservation Officer recommended that the rooflight be refused due to its inappropriate scale/proportion and its impact on the special architectural character of the Protected Structure, I consider that refusal of this element of the proposed development would be unreasonable having regard to its location on the rear roof plane and the pattern of development at roof level at Nos. 65 to 82 Highfield Road (inclusive). Therefore, having regard to the foregoing, I recommend that this aspect of the proposed development be granted permission.

#### Change in Finishes of the Original Rear Extension

7.2.22. The subject application also seeks permission to introduce a rendered finish to the existing single storey extension featuring to the rear of the existing dwelling. This extension was permitted under Reg. Ref. 3415/22. With regards to the materiality of this extension and as previously discussed in Section 4.1.1, Condition No. 4(b) of the grant of permission under Reg. Ref. 3415/22 required that the proposed new side and rear extensions and rear extension for retention be finished in brick.

7.2.23. In regard to this aspect of the proposed development, Dublin City Council's Conservation Officer commented that the finishes to the existing single-storey extension have already been assessed by the Planning Authority under planning Reg. Ref. 3415/22 and the rendering of the existing single-storey extension to the rear of the property is not supported as the proposed plaster finish is considered to be an inferior finish to brick and will weather poorly. In response to this commentary, the appellants note that there are multiple examples of contemporary rendered extensions being granted to the rear of Protected Structures within the municipality and contend that the adoption of a self coloured silicone based render will ensure that the render won't stain/will weather well.

7.2.24. I do not consider the proposed change in the finishing of the rear single storey extension to be problematic from a built heritage perspective. I am satisfied that a self coloured silicone based render is of an appropriate quality/durability and that its introduction to the rear extension will not detract from the architectural significance of the Protected Structure. I note render finish has been utilised in the context of the contemporary rear extensions featuring at Nos. 66 (immediately east), 73 and 83 Highfield Road. To insist that this later extension is finished in brick is onerous in my view. Given its single storey height, position to the rear of the existing dwelling and existing boundary treatments featuring on site, there are limited views of the extension from the streetscape.

7.2.25. Having regard to the foregoing, I recommend that this aspect of the proposed development be granted permission.

#### Replacement/Enlargement of the Existing Dormer

7.2.26. The subject application also seeks permission to replace and enlarge the dormer window featuring on the front roof plane.

7.2.27. Permission was previously sought, under Reg. Ref. 3415/22, for the replacement/enlargement of this dormer window. The replacement was permitted; however, its enlargement was restricted by way of Condition No. 4(a) on the grant of permission which required that the replacement front dormer window not exceed the height, width and depth of the existing dormer window.

7.2.28. In regard to this aspect of the proposed development, Dublin City Council's Conservation Officer commented that the proposed enlargement of the existing dormer window has already been assessed/not supported by the Planning Authority under Reg. Ref. 3415/22. They considered it would result in an unacceptable loss of historic fabric and is not considered to be in keeping with the special architectural character of the Protected Structure. In response to these concerns raised by the Conservation Officer, the appellants note that the current dormer is non-original/in poor condition and an enlarged dormer is required to provide appropriate wall thickness/insulation. They consider the required enlargement to be visually immaterial.

7.2.29. In my opinion, the scale and design of the enlarged dormer window would be acceptable at this location. The current dormer window featuring in the front roof profile is 1.4 metres wide, located centrally on the roof plane and sits 400mm below the roof ridge line. The enlarged dormer window for which permission is sought is 0.9 metres wider (being 2.3 metres wide), adopts a similar central position and is the same height relative to the roof ridge line. The roof spans for 10.745 metres. In my view, the overall scale of the enlarged dormer window is subordinate to the roof profile within which it is located, with a significant amount of the roof still visible. As such, I consider the proposed enlarged dormer would read as an unobtrusive alteration to the front roof profile which would not impact upon the architectural significance/visual harmony of the Protected Structure in a detrimental manner.

7.2.30. Turning my attention to the potential impact on the wider Conservation Area/streetscape within which the subject dwelling sits. Although, there is a consistent building typology adopted at Nos. 65 to 82 Highfield Road (inclusive), there is a degree of variation in roof profiles among these dwellings with 5 no. of these 18 no. dwellings having dormers introduced to the front roof profiles, including No. 69 Highfield Road which features 2 no. dormer windows. In light of this, I am satisfied that the proposal would be satisfactory in the context of the visual amenities of the area and the status of the area as a Conservation Area.

7.2.31. While I note that Dublin City Council's Conservation Officer recommended that the enlarged dormer structure be refused due to the resultant loss of historic fabric and its impact on the special architectural character of the Protected Structure, I consider that refusal of this element of the proposed development would be unreasonable having regard to minimal increase in size proposed relative to the roof span and the pattern of development at roof level at Nos. 65 to 82 Highfield Road (inclusive). Therefore, having regard to the foregoing, I recommend that this aspect of the proposed development be granted permission.

### 7.3. Residential Amenity

#### Property to the East

7.3.1. To the immediate east of the site is No. 66 Highfield Road, which features a semi-detached three-bay two-storey house. I do not consider the proposed extension will

result in significant or undue overlooking, overshadowing or overbearing impacts on No. 66 Highfield Road given the extension is proposed to the west of the existing dwelling on the subject site. As a result, it will be located a considerable distance from the common boundary with No. 66 Highfield Road. Further to this, given the proposed extension is developed flush with the original rear elevation of the existing dwelling and due to the presence of the rear extensions previously developed on the subject site, as well as the tall brick wall/existing vegetation featuring along the common boundary, there will be limited views of the proposed extension from the neighbouring private amenity space.

#### Properties to the West/North

- 7.3.2. The subject site's western and northern boundaries are flanked by Templemore Avenue and a laneway, respectively. To the west, on the opposite side of Templemore Avenue, are No. 63 Highfield Road (southernmost property) and Templemore House (northernmost property), which both comprise double storey over basement dwellings. More specifically, the easternmost part of the neighbouring property at No. 63 Highfield Road (which is immediately proximate to the proposed extension) is currently occupied by a car parking area. To the north, on the opposite side of the rear laneway, is No. 25 Templemore Avenue which comprises a 2-storey semi-detached dwelling.
- 7.3.3. I do not consider the proposed extension will result in significant or undue overlooking, overshadowing or overbearing impacts on Templemore House and No. 25 Templemore Avenue given the separation distance that exists between these properties and the proposed extension (c. 13 metres and c. 38.5 metres, respectively), the road/laneway which separates these neighbouring properties and the subject site and the existing boundary treatment/established planting featuring along the subject site's western/northern boundaries.
- 7.3.4. I do not consider the proposed extension will result in significant or undue overlooking, overshadowing or overbearing impacts on No. 63 Highfield Road in its current situation given the road which separates this neighbouring property and the fact that the easternmost part of this site is occupied by a car parking area. However, as discussed previously in Section 4.2 of this report, No. 63 Highfield Road's car parking area immediately west of the subject site was the subject of a recent approval under Reg.



Ref. 2649/20 (subsequently modified under PA Reg. Ref. 3030/21/Appeal Ref. ABP-311340-21) for a new three-storey, 4-bedroom, semi-detached dwelling. Consideration of potential impacts on the residential amenity of this approved dwelling is required in the context of the subject proposal. Upon review of the plans approved under Appeal Ref. ABP-311340-21, I do not consider the proposed extension will result in significant or undue overlooking, overshadowing or overbearing impacts on the dwelling proposed to the east of No. 63 Highfield Road given the road which separates this neighbouring property and the positioning of the amenity space relative to the proposed extension.

#### Property to the South

- 7.3.5. The subject site's southern boundary is flanked by Highfield Road. To the south, on the opposite side of Highfield Road is a bungalow known as Holly Lodge, at No. 25B Highfield Road. I do not consider the proposed extension or dormer window will result in significant or undue overlooking, overbearing or overshadowing impacts on No. 25B Highfield Road given the separation distance that exists between the subject dwelling and this house (c. 26 metres), the road which separates this neighbouring property and the fact that this neighbouring house is orientated to front Oaklands Drive as opposed to Highfield Road.

#### **7.4. Other Matters**

- 7.4.1. *Development Contributions* – I refer to the Dublin City Council Development Contribution Scheme 2020-2023. It is recommended that should the Board be minded to grant permission for the proposed extension that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development (an extension to an existing house within an established urban area), the availability of public services, 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.

## 8.0 Recommendation

8.1. I recommend a split decision, with permission **granted** for:

- Installation of a new rooflight to the rear slope of the existing roof;
- new rendered finish to the existing single storey extension; and
- replacement and enlargement of the dormer window to front slope of the existing roof.

For the reasons and considerations set out under Schedule 1 below together with the conditions thereunder and that permission for:

- construction of a part-one, part-two, part-three storey side extension and associated alterations to the existing dwelling.

be **refused** for the reasons and considerations set out under Schedule 2 overleaf.

### Schedule 1

#### Reasons and Considerations

Having regard to the scale, form, design and materiality of the rooflight, enlarged dormer and rear extension, the immediate site context, the pattern of development characterising the area more broadly, the provisions of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that, subject to compliance with the Conditions set out below, the proposed development would not seriously injure the architectural character/setting of the Protected Structure, have a negative visual impact on the character/visual amenity of the Conservation Area/streetscape or adversely impact on the residential amenity of neighbouring properties. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. For the avoidance of doubt, the development permitted by this permission is the: - installation of a new rooflight to the rear slope of the existing roof; new rendered finish to the existing single storey extension; and replacement and enlargement of the dormer window to front slope of the existing roof. It <b>does not include</b> the construction of a part-one, part-two, part-three storey side extension and associated alterations to the existing dwelling.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall comply with all conditions of the parent application Reg. Ref. 3415/22, save for amendments made by this application.</p> <p><b>Reason:</b> In the interest of clarity.</p>

## Schedule 2

### Reasons and Considerations

The proposed extension would seriously injure the architectural character/setting of the Protected Structure and would appear visually incongruous/have a negative visual impact on the character of the Conservation Area/streetscape, due to its scale, massing and design. 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, including Policies

BHA2 and BHA9, 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.*

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Margaret Commane  
Planning Inspector

23<sup>rd</sup> June 2023