



An
Bord
Pleanála

Inspector's Report ABP315279-22

Development	Construction of a house, ancillary semi-independent living unit and all associated site works. Demolition of bungalow and garage.
Location	Eglinton Lodge, 46 Eglinton Road, Donnybrook, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4891/22.
Applicant(s)	James O' Flynn.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Philip O'Reilly.
Observer(s)	None.
Date of Site Inspection	14/07/23.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site at no. 46 Eglington Road (Eglington Lodge) accommodates an inter-war bungalow built circ. 1928. Eglington Road is a tree-lined residential avenue linking Donnybrook with Sandyford Road and comprises predominantly nineteenth and twentieth-century suburban housing set back from the street with rear gardens. The streetscape on Eglington Road is not uniform and comprises an electric mix of housing typologies and styles.
- 1.2. No. 46 Eglington Road is located on the south side of Eglington Road adjoining the entrance to the Eglington Court apartments to the immediate west and a pair of 2-storey semi-detached mid-twentieth-century houses to the east (nos. 42 & 44 Eglington Road). The plot width is generous providing a 4-bay elevation to the street exhibiting a distinctive dominant bay window set into a Tudorbethan style gable. There is a generous rear garden, which backs onto the Eglington Court apartments. Site area is given as 764 sq. metres.
- 1.3. The bungalow is setback and is elevated on an under-croft above street level. The under-croft compensates for the single-storey height of the bungalow as the subject house and the adjoining two-storey houses to the east have a similar eaves height. There is a modest forecourt between the front boundary wall and the under-croft of the house with vehicular access from Eglington Road.
- 1.4. The entrance door is reached by a flight of external steps carved into the higher ground. There is a gap between the under-croft and the boundary wall to the east. The gap between the boundary wall and the east elevation of the bungalow accommodates a narrow garage located at a lower level than the house, which has access to the forecourt in front of the house at street level.
- 1.5. No. 46 Eglington Road is located within a residential conservation area. The bungalow and the adjoining houses to the east are not protected structures. It is noted that the majority of the building stock on Eglington Road are not protected structures. However, all are located within the conservation area designation.

2.0 Proposed Development

2.1. Construction of replacement house with ancillary semi-independent living unit plus associated site works to include:

- Demolition of existing detached bungalow and garage;
- Construction of a new-build 2-storey, detached, 4-bedroom family dwelling house;
- Incorporating a semi-independent apartment unit;
- Lowering of existing ground levels to front and rear gardens;
- Provision of concealed solar panels on the roof;
- Construction of new front boundary wall, widening and reconfiguring vehicular entrance, new pedestrian and vehicular gates;
- Reconstruction and restoration of side boundaries and walls;
- Provision of permeable hardstanding to the front garden to permit in-curtilage car parking.

3.0 Planning Authority Decision

3.1. Decision

Grant of planning permission subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflected the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- DCC Transportation Planning Division do not object to the proposal subject to condition;

- DCC Engineering Department- Drainage Division there is no objection to the proposal subject to compliance with the Greater Dublin Regional Code of Practice for Drainage works Version 6.0.

4.0 Planning History

Planning permission was refused for demolition of house, construction of a two storey five bedroom house, widening of vehicular entrance, reduction of height of front boundary wall, reduction of existing ground levels and associated works at Eglinton Lodge, Eglinton Road, Dublin 4 for 1 Reason under DCC Register Ref: 3213/21:

1. *Having regard to the habitable condition and positive contribution that the existing dwelling on the site makes to the streetscape and architectural character of Eglinton Road, and the proposal to construct a single replacement dwelling which does not sufficiently contribute to the existing streetscape or to provide for architectural interest, it is considered that the proposed development would be contrary to policies QH23 and CHC4 of the Dublin city development Plan 2016-2022 to discourage the demolition of habitable housing and to protect the special interest and character of conservation areas and the Z2 zoning objective of the site, to protect and/or improve the amenities of residential conservation areas.*

And for 3 Reasons under An Bord Pleanála Register Ref: ABP311613-21. The ABP reasons and considerations for refusal are listed below (Board Order dated 20/01/22):

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. *Having regard to the size of the site and its location within an inner serviced area close to transport, services and facilities, and to the existing period*

dwelling which is considered to be habitable, it is considered that the proposed demolition and replacement with a single dwelling unit would be contrary to Policy QH23 of the planning authority, as set out in the Dublin City Development Plan, 2016-2022, to discourage the demolition of habitable housing unless a net increase in the number of dwellings is proposed (in replacement) in order to promote sustainable development by making efficient use of scarce urban land. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. It is considered that the proposed replacement dwelling would be visually conspicuous and would fail to integrate satisfactorily to the streetscape by reason of the building form and predominance of extensive glazing in the solid to void ratio to the front, some of which is full length. As a result, the proposed development would have a negative impact on the visual amenities and architectural quality of the Eglington Road streetscape in which the site is located and would fail to protect and contribute positively to the special interest and character of the residential conservation area. As a result, the proposed development would be contrary to the zoning objective 'Z2: - "to protect and/or improve the amenities of residential conservation areas", as set out in section 14.8.2 of the Plan, which seeks the protection of such areas from unsuitable new development and policy CHC4 for the protection of the special interest and character of Dublin's Conservation areas in the Dublin City Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.*
- 3. The Board is not satisfied, based on the submissions made in connection with the application and the appeal, that the proposed development would not be contrary to Section 16.10.17 of the Dublin City Development Plan, 2016-2022 according to which the planning authority seeks the retention and re-use of buildings of historic, architectural, cultural, artistic and or local interest which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.*

5.0 Policy and Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 relevant policy framework is not identical to the relevant policy framework provided by the Dublin City Development Plan 2022-2028. I have set out below in detail the relevant objectives and policies of the Dublin City Development Plan 2022-2028 for the information of the Board.

The relevant land-use zoning objective is Z2 (Map H) (Residential Conservation):

To protect and/or improve the amenities of residential conservation areas.

The proposed development is a permissible use.

Residential Conservation Areas

Chapter 14 (zoning), Section 14.7.2 Residential Neighbourhoods (Conservation Areas) Zone Z2 *inter alia* states:

The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas 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.....

Chapters 11: (Built Heritage and Archaeology), and Chapter 15: (Development Standards), contain policies and objectives to guide development within residential conservation areas and for the protection of built heritage assets.

Policy BHA9 (Conservation Areas) is relevant and states:

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.....*

Built Heritage Assets of the City and the re-use of Existing Older Buildings

Chapter 11 (Built Heritage and Archaeology) Section 11.5.3 is relevant and *inter alia* states:

As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

Policy BHA10 (Demolition in Conservation Areas) is relevant and states:

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 a loss would also contribute to a significant public benefit.

And Policy BHA11 (The Rehabilitation and Reuse of Existing Older Buildings) is relevant and states:

1. *(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.*
2. *(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.*
3. *(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.*

Chapter 15 (Development Standards), Section 15.7.1 (Use of Existing Buildings)

The Dublin City Development Plan 2022-2028 requires in the instance of where demolition is proposed that applicants must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible.

Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

Chapter 15, Section 15.2.4 (Retention and Re-use of Older Buildings of Significance which are not Protected) is relevant and states:

The re-use of buildings/structures of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability.

In assessing applications to demolish buildings/structures of significance that are not protected, the planning authority will actively seek the retention and

re-use of buildings and other structures of architectural, historical, archaeological, artistic, cultural, scientific, technical, social and/or local interest or those that make a positive contribution to the character and identity of streetscapes and the sustainable development of the city; also having regard to Policies BHA05: Demolition of Regional Rated Buildings on NIAH and BHA06: Buildings on Historic Maps. Where the planning authority accepts the principle of demolition, a detailed written and photographic inventory of the building may be required for record purposes.

Chapter 3 (Climate Action) is relevant including:

Policy CA6, (Retrofit and Reuse of Existing buildings) is relevant and states that Dublin City Council promote and support the retrofitting and reuse of existing buildings, where possible, rather than their demolition and reconstruction.

Policy CA8, (Climate Mitigation Actions in the Built Environment) is relevant and states *inter alia* that low carbon development is required in the city which will reduce carbon dioxide emissions. New developments should generally satisfy a list of criteria stated in the policy text including minimising site construction waste and maximising reuse or recycling.

Urban Consolidation

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, re-use / adaption of existing building stock and subject to the provision of good quality accommodation.

And Policy QHSN37 (Houses and Apartments) is relevant and states:

To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

New House Development

Chapter 15 (Development Standards) Section 15.4 (Key Design Principles)

High quality design supports the creation of good places and has a positive impact on health and well-being. All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. The following key design principles will be considered in the assessment of development proposals.

Chapter 15 (Development Standards), Section 15.5.1 (infill Development) is relevant and states:

Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings. Infill development should satisfy the following criteria to include:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

Chapter 15, Section 15.11 (House Development) is relevant in terms *inter alia* of floor area, Daylight / sunlight, private open space and separation distances between buildings.

Ancillary Residential Accommodation

The Appendix 18 (Ancillary Residential Accommodation), Section 7.0 (Ancillary Family Accommodation) of the Dublin City Development Plan 2022-2028 is relevant:

Generally, the purpose of ancillary family accommodation is to provide an amenable living area offering privacy, manoeuvrability and independence while maintaining a direct connection to the main dwelling. Usually, there is no exterior difference in appearance between an extension and ancillary family accommodation and is still considered a single residential unit. Ancillary family accommodation should:

- Be contained within the existing unit or provided as an extension to the main dwelling (exempted development principles for residential extensions can apply where applicable. Where an extension is not exempt, planning permission is required).*
- Preferably have a direct connection to the main home.*
- Not be let separately for the purpose of rental accommodation.*
- Not be a separate detached dwelling unit.*
- Be reintegrated back into the original unit when no longer occupied by a member of the family.*

5.2. EIA Screening

The development is not in a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

- There is no logic or consistency to the planning process as two applications for similar development in the space of 12 months have had different planning outcomes when nothing has changed;
- The subject house is of significant architectural merit, significant character and is structurally sound as evidenced in mid 2021;
- The house is of unique design and quality dating from the first half of the twentieth century with late Edwardian and post Edwardian features;
- The planning Authority has previously stated that the house makes a positive contribution to the streetscape and the architectural character of Eglington Road and that the replacement house does not sufficiently contribute to the

streetscape or provide architectural interest in the context of a refusal of planning permission for demolition and rebuild while subsequently granting planning permission for a similar not materially different development;

- The Planning Authority previously stated *inter alia* that the development would be contrary to policies QH23 and CHC4 of the Dublin City Development Plan 2022-2028, to discourage demolition of habitable housing and protect the special interest and character of conservation areas, and then subsequently granted planning permission for demolition and rebuild without a change in the policy context. This is a disregard to any principles of proper planning and development and is against the policies and objectives of the development plan by which it is legally bound;
- An Bord Pleanála comprehensively confirmed the refusal of planning permission for the previous similar development including *inter alia* citing that the previous proposal would contravene the Z2 residential conservation area zoning objective and Section 16.10.17 Of the Dublin City development Plan 2016-2022 in the matter of the retention and re-use of buildings;
- The proposed subject dwelling house would not integrate with the existing streetscape to the east, west and north and would conform with the previous reason(s) for refusal stated by An Board Pleanála in regard to the impact on the architectural quality of the Eglington Road streetscape;
- Demolition of a structurally sound house and replacement with a new structure does not satisfy the principles of conservation, preservation and sustainability.

6.2. Applicant Response

The applicant response comprises the following:

- Letter of Response from Martin Noonan Architect on behalf of the applicant;
- First Party Architectural Heritage Response prepared by David Slattery Architects Ltd.;
- First party planning response prepared by Downey Associates Ltd.

The substantive matters contained in the Letter of Response from Martin Noonan Architect are as follows:

- The subject dwelling is located in an established inner suburb, highly serviced, highly accessible and is located on high value urban land;
- The 'Irish Planning System' is an "open" process that allows fresh adjudication of redesigned development proposals, which address concerns and failings, that has previously been the subject of a refusal of planning permission;
- The proposed development differs fundamentally from the proposal previously refused planning permission in terms of the reduced height of the dwelling, the lowered ground level, building form, internal layout, boundary and elevational treatment;
- The proposed development identified, in discussion with the Planning Authority, and addresses the design and visual issues and shortcomings of the original proposal;
- The proposed development would replace an existing 'unprotected' structure with a sustainable and efficient family dwelling and incorporates a self-contained autonomous apartment.
- Local interest in the retention of the existing building is not demonstrated as no local submissions were received on the application and previous application;
- The new build proposal in comparison to the retrofit of the existing structure to achieve compliance with Building Regulations, and the provision of other development works, would in terms of carbon expenditure be negligible.
- The architectural character, age and quality of Eglinton Road varies along its length and the streetscape can assimilate many different design approaches;
- The proposed dwelling is contemporary in design, informed by the existing streetscape, in specific the larger nineteenth-century Eglinton Road dwellings to the north-west; and uses a limited palette of sympathetic high quality materials and details to integrate with the streetscape;

- The front of the site is to be excavated to enable the proposed ground floor level to move closer to grade and to provide an overall building height equivalent to the height of adjacent dwellings;

The substantive matters contained in the Architectural Heritage Response prepared by David Slattery Architects Ltd (dated January 2023) *inter alia* are as follows:

- The date of the construction of the existing house is circa. 1928 based on a reappraisal of the documentary evidence. Houses became smaller and more simply detailed in the post WWI era, this is evidenced in the subject house compared to the grander Victorian / Edwardian pre-war houses on Eglington Road, as a response to affordability and other factors impacting the housing market post-independence;
- The subject house cannot be considered to be 'unique' architecturally. A number of inter-war bungalows stylistically similar are evidenced in the Response statement and are to be found in suburban locations in Dublin and nationally;
- The existing house at no. 46 Eglington Road is not worthy of protected structure status assessed against the D0CHG guideline criteria, as evidenced in the architectural, historic, cultural and social appraisal conducted and contained in the Heritage and Conservation Report submitted to the Planning Authority with the application.
- The house exhibits no features or characteristics of architectural quality;
- In the matter of the residential conservation zoning objective, it is important to note that the zoning objective does not seek to protect architectural character in the same manner as would be required within an adopted Architectural Conservation Area (ACA). It is claimed that no. 46 Eglington Road has no unique character contribution to the area that merits protection and redevelopment once it is carried out appropriately is appropriate;
- The ground floor of the existing house is a floor level above the driveway. Extensive alteration of the existing house, ramp access arrangements or an external lift would be required in order to accommodate a semi-independent apartment for a family member that would satisfy Part M.

- To achieve any reasonable BER rating on the existing structure would require very extensive works that any perceived character the structure processes would have to be reinterpreted and would represent pastiche;
- The perceived carbon savings on the retention of the existing structure would involve extensive calculations and that the merit in retention may be unfounded as a replacement structure is likely to result in a lower carbon calculation;
- The proposal to replace the existing house with a single dwelling to a coherent, contemporary, architectural design will fit the existing streetscape context enhance both the setting and residential amenity of Eglinton Road through the quality of internal and external space, craftsmanship and materials, simple massing and careful detailing;
- The house is currently in a shell state and is uninhabitable.

The substantive matters contained in the Planning Response prepared by Downey Associates Ltd are as follows:

- An Bord Pleanála is invited to dismiss this third-party appeal under Section 138(1) of the Planning and Development Act, 2000 (as amended) given that there is no substance to the appellant's case;
- It is requested that An Bord Pleanála uphold the Planning Authority grant of planning permission with reference to the submitted documentation and appeal response providing for the following:
 - The development has been altered from that previously refused permission to be a more appropriate intensification of land use, incorporating a semi-independent apartment, and has been redesigned to be more cognisant of the surrounding streetscape;
 - The development has evolved in response to the reasons for refusal to incorporate a contemporary design solution incorporating a contextual Victorian red brick finish and a bronze finish cladding to add visual interest;
 - The massing of the structure is modulated by the incorporation of slightly projecting windows and open recesses. The front façade breaks with a recessed side entrance;

- Windows are arranged to prevent on-looking of the adjoining property at no. 44 Eglinton Road including locating windows above head height.
- The applicant accepts and will comply with the design conditions attached to the Planning Authority grant of planning permission;
- The existing dwelling does not have any architectural or conservation merit. The removal of this building and the replacement with two residential units is acceptable given the design to provide a sensitive insertion in the streetscape;
- The existing dwelling is in an extremely poor condition being derelict and uninhabitable and does not provide a positive contribution to the streetscape;
- The proposed modern but historically sensitive design will provide two residential units and will enhance the setting of the residential conservation area in compliance with Policy QH23 and Policy CHC4 of the Dublin City development Plan 2016-2022.

6.3. Planning Authority Response

- None recorded.

6.4. Observations

- None

7.0 Assessment

7.1. The following assessment covers the points made in the Appeal Submission, the Applicants Response and encapsulates my *de novo* consideration of the application.

7.2. The planning and procedural issues arising are interrogated in my assessment under the following headings:

- Previous reasons for refusal of planning permission on site;
- Materially different planning application;
- Urban Consolidation;
- The principle of demolition;

- Infill development;
- Scale, height and massing of the proposed new build dwelling house;
- Architectural design and;
- Elevational treatment;
- Open space provision;
- Car parking;
- Ancillary family accommodation;
- Impact of the proposal on the conservation area;
- Impact on residential and visual amenities.

Reasons for refusal of previous application for new-build dwelling house

7.3. The applicant was previously refused planning permission for the demolition of the existing dwelling house on site and the construction of a new dwelling house under Dublin City Council Register Ref: 3213/21; And subsequently refused permission under appeal to An Bord Pleanála under Register Ref: ABP311613-21. The An Bord Pleanála reasons for refusal can be summarised as follows:

- The development would not provide a net increase in residential units on site to justify a rationale for demolition of the existing dwelling house;
- The new-build dwelling house would have a negative visual impact on the Eglinton Road streetscape;
- There is a lack of evidence to support the existing dwelling is not of heritage value.

In the context of the above reasons for refusal, the Planning Case Officer notes the following in respect of the current development proposal:

- The dwelling is no longer habitable and is in disrepair;
- the proposal would incorporate a semi-autonomous living unit in addition to the new dwelling house;
- The revised house design would integrate with the streetscape and would make a positive contemporary visual statement and,

- The architectural / historic significance report, prepared by David Slattery historic building consultant, concludes that the existing building exhibits no features and characteristics of architectural quality, historic, cultural or social interest, that would merit retention.

I consider to interrogate all of these matters with reference to the Dublin City Development Plan 2022-2028 policy framework, the grounds of appeal and the applicant response. The Planning Case Officer does not accept that the existing dwelling exhibits no features of architectural value. I would concur with the Planning Officer.

In the matter of the historical narrative of site, the physical evolution evidenced in the utilisation of the raised ground of the walled garden of the demolished 'Flora Villa' as the under-croft of the existing bungalow (Architectural Heritage Response prepared by David Slattery Architects Ltd. Pg. 5 & 6) is of particular note in the context of re-purposing.

Materially Different Application

- 7.4. The appellant claims that the current application is 'similar' to the application previously refused planning permission. It is claimed there is no material difference between the current application and the previous application for demolition of the existing dwelling and the construction of a new-build house. It is stated in the matter of the subject grant of planning permission by the Planning Authority with reference to the previous refusal *that there is no logic and consistency to the planning process.*

The applicant has outlined *inter alia* in response to the appeal that the current application is a materially different application than that previously refused planning permission under Dublin City Council Register Ref: 3213/21; And subsequently refused permission under appeal to An Bord Pleanála under Register Ref: ABP311613-21. I consider that the current proposed development is materially difference from the previously refused application *inter alia* in respect of the following:

- Building height;
- Building and elevation design;

- Incorporation of ancillary family accommodation providing in addition to the dwelling house an apartment unit (floor area 62 sqm.) for a family member.

Urban Consolidation

- 7.5. The national, regional and local policy context promotes and supports compact growth and urban consolidation. In the matter of land use intensification, Policy QHSN6 (Urban Consolidation), Chapter 5 (Quality Housing and Sustainable Neighbourhoods), promotes and supports residential consolidation through sustainable intensification of land use by considering *inter alia* applications for infill development and re-use / adaptation of the building stock subject to the provision of good quality accommodation. The proposed development would represent a residential floor area increase on site from 162 sqm. (existing house) to 380 sqm. (new build) inclusive of the ancillary family accommodation (62 sqm.).

It is further considered that the proposed dwelling house and ancillary family accommodation, comprising a 62 sqm. apartment, would represent an intensification of land use and would provide good quality purpose built residential accommodation in accordance with Chapter 5, Policy QHSN37 (Houses and Apartments) of the Dublin City Development Plan 2022-2028. However, further interrogation is required in order to ascertain if the proposed development represents a sustainable intensification of land use given the requirement for the demolition of the existing dwelling house on site.

Principle of Demolition

- 7.6. In the matter of the demolition of the existing dwelling house, the relevant policy framework provided by the Dublin City Development Plan 2016-2022 is not identical to the relevant policy framework provided by the current development plan. The Dublin City Development Plan 2022-2028 provides a comprehensive policy framework that seeks the retention of existing older buildings *inter alia* in terms of heritage, streetscape and visual quality. Furthermore, the sustainability of refurbishment over demolition is advocated in order to reduce carbon emissions.

I have listed and summarised a suite of relevant objectives and policies in the Policy section of this Report. In specific, there is a general presumption against development which would involve the loss of a building of conservation or historic

merit within a conservation area or that contributes to the overall setting, character and streetscape of the conservation area.

The appellant claims that the principle of demolition is unacceptable given *inter alia* the following:

- The significant architectural merit, character and unique design quality of No. 46 Eglinton Road;
- The acknowledged streetscape value in terms of contributing to the architectural character of Eglinton Road;
- The house is structurally sound and habitable as evidenced in mid-2021.

The Planning Officer states that the dwelling is no longer habitable and that the dwelling has been gutted internally. It is considered that the present uninhabitable condition (see photographic evidence on file of internal demolition) of the dwelling is not in itself a justification for demolition. Furthermore, it is considered that the refurbishment of the existing dwelling is still a viable alternative option.

Chapter 15 (Development Standards), Section 15.7.1 (Use of Existing Buildings) of the Dublin city Development Plan 2022-2028 requires that applicants must submit a demolition justification report to set out the rationale for the demolition of a building having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible.

The applicant justifies the demolition of the existing dwelling house observing *inter alia* the uninhabitable condition of the house, the deterioration of the fabric over time, including the requirement for a replacement roof, and the comprehensive and intensive retrofit required to achieve compliance with Building regulations. The specification for the demolition waste including recycling is included within the submitted documentation (Outline Specification For Proposed New Dwelling To Replace Existing At 46 Eglinton Road). It is claimed that the carbon expenditure between renovating and modify the existing structure, given the requirement to extend and provide ancillary family accommodation, versus the new build would be negligible. However, only a qualitative analysis is provided with no quantitative analysis is evidenced.

The applicant has submitted a Report on the Architectural / Historical Significance of no. 46 Eglinton Road (Eglinton Lodge), from David Slattery (Historic Buildings Consultants), dated August 2022, which concludes that the subject house exhibits no features or characteristics of architectural quality. In addition, the Architectural Heritage Response prepared by David Slattery Architects Ltd (dated January 2023) further interrogates the merits of the existing inter-war bungalow at no. 46 Eglinton Road, with reference to the grounds of appeal. The Report clarifies that the existing house was built circa.1928, it reiterates the findings and conclusions of the initial historical / architectural significance report and provides supporting evidence of the prevalence of inter-war bungalows exhibiting similar plan form, building profile and decorative finishes to the subject house in suburban locations in Dublin City.

I consider that the applicant has satisfactorily addressed the issue of the heritage value of no. 46 Eglinton Road in terms of architectural, historic, cultural, artistic, social and local interest. I would agree with the general findings of this assessment in terms of the origin, style, building quality and condition, building typology and the bungalow typology distribution. However, I consider that the existing dwelling house, notwithstanding the unkempt condition of the property, on balance makes a contribution to the streetscape.

Chapter 11 (Built Heritage) Policy Policy BHA10 of the Dublin City Development Plan 2022-2028 (Demolition in Conservation Areas) states that the presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area is only relaxed in exceptional circumstances where such a loss would also contribute to a significant public benefit. The merits of the new build proposal are assessed below *inter alia* with reference to the house design and internal layout, the provision of ancillary family accommodation for a family member to support independent living on site and, the potential positive impact of the new architectural design on the streetscape within the conservation area.

Infill Development

- 7.7. Chapter 15, Section 15.15.1 of the Dublin City Development Plan 2022-2028 provides that Infill development should complement the existing streetscape. It is

particularly important that infill development respects and enhances its context and is well integrated with its surroundings. It is considered that the proposed development would satisfy the criteria listed in Section 15.15.1 of the Dublin city Development Plan 2022-2028, which are assessed in more detail below.

7.8. Architectural Design

The applicant has rejected the dwelling design previously refused planning permission denoting same as 'Celtic Tiger' inspired. The design of the current proposed dwelling is generated by an analysis of the Eglinton Road streetscape including the late nineteenth-century house typology that comprises substantial two-storey over garden level Victorian houses (specifically citing nos. 69-75 Eglinton Road located to the north west). The resultant contemporary design seeks to reference a similar balance of solid and void and three-dimensional modelling in the external street elevation, as evidenced in the Victorian prototypes.

7.9. Scale, Height and Massing

The proposed dwelling house would have a floor area of 380 sqm. It would be in scale and massing significantly larger / greater than the existing dwelling house, which has a given floor area of 162 sqm. The predominantly two-storey new dwelling would have single-storey projections at ground floor level to mitigate bulk.

The previous proposed dwelling, refused under Register Ref: ABP311613-21, would have been located on a plinth at 1.35 metres above the ground level of the adjacent houses at nos. 42 & 44 Eglinton Road and would have had a pitched roof with a ridge height marginally higher than the ridge height of the semi-detached block. The roof profile of the current proposal is influenced by the nineteenth-century houses on Eglinton Road comprising a concealed flat roof, incorporating solar panels, and exhibiting a simple profile at parapet level. The current proposed dwelling at ground level would be 400 mm above the ground level of the adjacent nos. 42 & 44 Eglinton Road and the parapet height would be equivalent to the ridge height of the semi-detached block.

The bulk and massing of the new dwelling would be accommodated within the interior of the site, resulting in long east facing and west facing side elevations, with shorter entrance and rear elevations. The massing of the structure is modulated by the incorporation of slightly projecting windows and open recesses.

Elevational treatment

The entrance façade facing north onto Eglington Road is modest in scale given the plot width and is in proportion to building height. The elevation does not occupy the entirety of the street frontage by reason of having the end bay recessed at the eastern extremity of the façade. The entrance recess would accommodate external steps and would act as an external anti-chamber to the main entrance and secondary entrance to the apartment unit; the threshold of the external entrance area is defined and partly enclosed by a horizontal canopy with vertical support. The side entrance arrangement is stylistically similar to the previously cited nineteenth-century houses from where reference has been borrowed.

The longer west elevation is modulated by a fully glazed recess. The east elevation is screened by the adjoining house at no. 44 Eglington Road. This elevation is modelled with various parapet heights and external finishes to reduce bulk. The rear south elevation is disaggregated into single and two-storey elements combined with various material finishes including cladding to create variation in both massing and external finish.

The predominant elevation finish would be a bonded clay brick. It is noted that external walls at higher level would be lined with *seam bronze finish cladding*. The rear elevation would exhibit a brick, bronze cladding and 'monocouche' render finish. The use of red Victorian type brick (pictorial sample of Victorian Red Smooth provided with application) to the entrance facade would integrate the new-build into the predominantly red-brick streetscapes that characterise Eglington Road.

The window frames represent a significant visual element in the elevation composition. It is proposed to use a patinated bronze finish allowing a slim steel framing (The Mondrian CWS-B50 slim frame) with a full thermal break while providing a *graceful aesthetic*. The submitted documentation states the framing system would exhibit a frame 75mm deep and a sightline of 54mm to hinged doors and windows.

Architectural bronze is a modern alloy that is made *inter alia* from a mixture of copper, zinc and other additional metals. The copper provides high levels of corrosion resistance and the zinc provides high levels of tensile strength and durability. It is considered that the bronze metal frame finish is acceptable in principle

as it would provide a contemporary foil to the nineteenth-century inspired window openings. The colour, profile and detail design of the window frames can be dealt with by way of condition.

7.10. Open space

The proposed dwelling house would have a south facing rear garden as the principal private open space. The residual rear garden area would measure an approximate substantial 250 sqm. significantly in excess of minimum standards.

7.11. Car Parking

Car parking would be provided to the front of the house within the forecourt between the dwelling and the street boundary. The proposed car parking area would follow the dominant pattern of development in the area, which provides for dedicated off-street car parking in the front curtilage on Eglington Road between the house facades and the street boundary. A total of 4 dedicated car parking spaces are shown on submitted drawings to the west of the forecourt. The Applicant Response to the appeal notes that the Planning Authority has restricted to 3 the number of car parking spaces and that the applicant will comply with that stipulation.

Appendix 5, Table 2 (minimum car parking standards for various landuses) of the Dublin City Development Plan 2022-2028 provides for only 1 space per residential unit within Zone 3. It is considered that the number of car parking spaces should be restricted to 2 number spaces. Furthermore, the Planning Authority by way of condition has retained the vehicular access in the existing location and restricted the width of the access onto the street, due to a negative impact on on-street parking, to a maximum 2.7 metres (a width of 3.6 metres was originally proposed). The provision of 2 dedicated car spaces to meet the requirement of the main dwelling house and the ancillary family apartment and the restriction on the width of the opening can be dealt with by way of condition.

Ancillary Family Accommodation

- 7.12. The applicant 's agent submitted (13/10/22) an observation to the Planning Authority (dated 11/10/22) accompanied by a letter (addressed to Maire and James O' Flynn) from the 'National Learning Network'(undated) signed by 'an' Instructor, Access Programme, Park house, Stillorgan in regard to the status of the applicant's daughter in terms of her requirement for independent supervised living accommodation.

The letter states, with reference to the applicant's daughter, that semi-independent monitored living accommodation is of significant benefit to achieve a sense of autonomy, which would facilitate the individuals sense of self-sufficiency and independence. It further states that the proposed layout of the development at no. 46 Eglinton Road would address the requirements in regard to supervised semi-autonomous living by reason of the provision of an own door apartment with full internal access to the main house and contained within the body of the main house.

The proposed development comprises a separate but integrated apartment unit comprising a floor area of 62 sqm. The apartment would be contained within the dwelling house located over two levels with interconnection at both ground and first floor level with the main house. The apartment unit has an independent exterior entrance located on the east elevation, set back from the boundary with no. 44 Eglinton Road within the recess of the front elevation at the eastern extremity of the principal frontage; the apartment entrance is co-located with the main entrance to the dwelling.

There would be no exterior difference in appearance between the apartment unit and the main dwelling house. The apartment in layout would provide an independent autonomous living area with the living room located at ground floor level and the kitchen / dining area and bedroom with ensuite located at first floor level. It is considered that the apartment unit would satisfy the criteria set-out in Section 7 provided for in Appendix 18 of the Dublin City Development Plan 2022-2028 for ancillary family accommodation subject to the attachment of a condition that the apartment cannot be let separately for the purpose of rental accommodation.

Conservation Area Designation

- 7.13. In the matter of the impact of the proposed development on the Eglinton Road residential conservation area, Section 11.5.3 (Built Heritage assets of the City) states the retention and reuse of heritage assets adds to the streetscape and sense of place and have a role in the sustainable development of the city. There will be a presumption against demolition of individual structures of vernacular or historic / social interest that contribute to the character of an area. Furthermore, Chapter 15, Section 15.2.4 (Retention and Re-use of Older Buildings of Significance which are

not Protected) of the Dublin City Development Plan 2022-2028 requires retention and reuse of buildings that make a contribution to the streetscape.

I am satisfied that the applicant has addressed by way of the submission of two reports, prepared by David Slattery - Architectural Buildings Consultants - all relevant matters in respect of the heritage value of no, 46 Eglinton Road in terms of architectural, historic, cultural, artistic, social, and local interest. Furthermore, Policy BHA9 (conservation areas) of the Dublin City Development Plan 2022-2028, provides for enhancement opportunities within conservation areas. It is considered that the proposed development by reason of the contemporary building design, informed by the nineteenth-century houses to the north-west on Eglinton Road, would enhance the conservation area by reason of design quality, contemporary architecture, which is in harmony with the Conservation Area.

Residential and Visual Amenity

- 7.14. It is considered that the proposed dwelling would provide good quality accommodation, in terms of internal arrangement and room sizes, and would externally have a positive visual impact. In addition the development would provide an apartment for a family member that would facilitate independent living while the unit would form an integral part of the new dwelling house in accordance with Section 7 (Ancillary Family Accommodation), Appendix 18, of the Dublin City development Plan 2022-2028.

It is further considered that the proposed dwelling would not by reason of its location, aligned with the established front building line on the south side of Eglinton Road, and overall design give rise to overshadowing and overbearing or other adverse impacts on neighbouring residential properties. In regard to the adjoining house at no. 44 Eglinton Road there is a single-storey flat-roofed extension to the rear of the property and the potential to overlook is minimised by the incorporation of high level windows to the east elevation.

Conclusion

- 7.15. In conclusion, the pattern of development within this mature residential location is predominantly single-family dwelling houses. On balance the demolition of the existing house and the construction of a replacement house is acceptable in principle given the enhanced residential amenity that would result, including the provision of

an integrated ancillary family apartment unit to facilitate the independent living of a family member, the contemporary architecture of the proposed new dwelling house informed stylistically by nineteenth-century prototypes and the elevational treatment to Eglington Road, which would make a positive visual contribution to the streetscape in terms of building proportion, modulation and material finish.

I conclude that the proposed development would satisfy Policy BHA10 of the Dublin City Development Plan 2022-2028, in terms of building replacement by reason of sensitive contemporary design infill development incorporating additional ancillary family accommodation to support the independent living of a family member, and Policy BHA9 of the Dublin City Development Plan 2022-2028, by reason of the contemporary building design informed by the nineteenth-century houses to the north-west on Eglington Road, which would enhance the conservation area by reason of design quality, contemporary architecture, which is in harmony with the Conservation Area.

Finally, with reference to Chapter 15, Section 15.2.4 (Retention and Re-use of Older Buildings of Significance which are not Protected) of the Dublin City Development Plan 2022-2028, I am satisfied that the applicant has addressed by way of the submission of two reports, prepared by David Slattery - Architectural Buildings Consultants - all relevant matters in respect of the heritage value of no. 46 Eglington Road in terms of architectural, historic, cultural, artistic, social and local interest. A documentary and photographic record of the existing house can be prepared for posterity.

7.16. Appropriate Assessment

The proposed development comprises a replacement dwelling house and ancillary family accommodation in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

8.1. I recommend a grant of planning permission subject to condition.

9.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area, comprising predominantly single-family dwellings, the grounds of appeal, the applicant response and the Dublin City Development Plan 2022-2028 Policy framework, it is considered that the development is a reasonable improvement of the accommodation on site, including the provision of an ancillary family apartment to support the independent living of a family member, would positively impact on the Eglinton Road Conservation area, in terms of sensitive contemporary design infill development and would otherwise accord with the proper planning and sustainable development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 12th day of January 2023, 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.</p> <p>Reason: in the interest of clarity</p>
2.	<p>A survey of building proposed for demolition shall be carried out and shall be submitted to the planning authority prior to commencement of development. A photographic survey shall be prepared in accordance with the requirements of the planning authority.</p> <p>Reason: In order to provide a record of the house to be demolished.</p>
3.	<p>Details including samples of the materials, colours and textures of all the external finishes to the proposed dwelling house shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development including:</p> <ul style="list-style-type: none"> (i) The clay brick and bonding; (ii) The bronze metal cladding; (iii) The patinated bronze finish steel window frames; (iv) The proposed perforated metal screen to the western elevation. <p>Reason: In the interest of the visual amenities of the area</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The applicant shall comply with the requirements of the Planning Authority - Drainage Division.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The applicant shall comply with the following car parking and vehicular access requirements to include:</p> <ul style="list-style-type: none"> (i) The vehicular entrance shall be retained in the existing location and shall have a maximum width to 2.7 metres; (ii) The number of car parking spaces shall be restricted to 2 number car parking spaces; (iii) Any other requirements of the Planning Authority - Transportation Division.

	Reason: In the interest of residential amenity, road safety and orderly development.
7	<p>The proposed ancillary family accommodation (62 sqm. apartment) shall be jointly occupied as a single residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

“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”.



Anthony Abbott King
Planning Inspector

28th July 2023