



An  
Bord  
Pleanála

## Inspector's Report ABP315537-23

### Development

Alterations to existing house including (i) partial demolition of existing three-storey side projection (10.2 sq.m) and construction of a new three-storey mono-pitched extension (60 sq.m) to the north-east, (ii) formation of door opes to the existing side elevation at lower and upper floors, (iii) removal of windows to the existing side elevation at lower ground and first floors, (iv) internal alterations including the removal of non-original doors. The development also includes landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.

### Location

52, Charleston Road, Ranelagh, Dublin 6, D06 V588 (A Protected Structure).

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

4241/22

### Applicant(s)

Sean Hogan

<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	3 <sup>rd</sup> Party
<b>Appellant(s)</b>	Cathal & Claire Moran.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2023.
<b>Inspector</b>	Des Johnson.

## 1.0 Site Location and Description

The site is located on the south-eastern side of Charleston Road, approximately 250m to the east of Belgrave Square and 300m to the south west of Ranelagh Village.

No. 52 is a two-storey over lower ground floor red bricked semi-detached dwelling with a three storey return and a single storey extension to the rear. It is late Victorian in age and is a Protected Structure. The site area is stated to be approximately 806 sqm / 0.2 acres.

## 2.0 Proposed Development

- 2.1. The proposal is for alterations to existing house including: (i) partial demolition of a three-storey side projection (10.2 sq.m) and construction of a new three-storey mono-pitched extension (60 sq.m) to the north-east: (ii) formation of door opes to the existing side elevation at lower and upper ground floors: (iii) removal of windows to the existing side elevation at lower ground and first floors: (iv) internal alterations including the removal of non-original doors. The development also includes landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.
- 2.2. The floor area to be retained within the site is stated to be 292.7 sq.m, floor area of new building is stated to be 60 sq,m, and the site area is stated to be 806.2 sq,m.
- 2.3. The application documents include a Conservation Report illustrated with photographs. This notes that the premises was previously used as 9 bedsits, and has recently been reinstated as a single family residence. No. 52 is a two-bay, two-storey over lower ground floor semi-detached late Victorian building. The three-storey mono-pitched side extension/projection is of little architectural merit. Internally, the most significant extant feature is decorative plasterwork to the front entrance hall and rear upper ground floor reception room. Other than this, little internal fabric is original. All works proposed are reversible in nature. The site is in an area zoned Z2 – to protect and/or improve the amenities of residential conservation areas.

2.4. **FURTHER INFORMATION** was requested dated 11<sup>th</sup> August 2022. In brief, this requested the applicant to:

- Review the position of the proposed three-storey extension, setting it further back from the front line of the house, and review the proposed roofline to ensure that it sits clearly below the main roof. Revised plans and elevations to be submitted.
- Submit a full drawing survey including photographic record of the existing party wall with no. 51 Charleston Road, with detailed schedules of any repair and reinstatement works required.
- Submit flashing details between the proposed extension and the original building

Additional information was submitted and date stamped 25<sup>th</sup> January 2023. The front elevation of the proposed three-storey extension is set back an additional 787mm to give a total setback of c.2500mm from the front elevation, the roofline is lowered marginally, and a survey of the boundary wall is provided.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

By Order P5410, dated 8<sup>th</sup> December 2022, the planning authority decided to grant permission subject to 8 conditions. Condition 3 refers to requirements of the Conservation Section including the employment of a conservation expert with proven and appropriate experience, and adherence to the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The other conditions relate to compliance with submitted details, development contribution, drainage requirements, restriction on times for the carrying out of site and building works, noise and debris control.

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

##### 3.2.1. Planning Reports

The planning report refers to one submission received raising concerns including in respect of impact on the party wall, lack of separation between the proposed extension and the adjoining property, overbearing appearance, negative impact in terms of daylight and sunlight available to adjoining property, and negative impact on the Protected Structure. The report notes that these concerns were taken into consideration in the assessment. The report states that the proposal aligns with the primary rear elevation of the existing dwelling and that of the adjoining property, and considers that there would be no negative impact on daylight and sunlight and would not have an overbearing appearance on the adjoining property. The report assesses the additional information submitted and concludes that, subject to conditions, the proposal accords with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

The Conservation Officer's report refers to the policy context for Protected Structures and Conservation Areas. The report assesses the additional information submitted and notes that the revisions proposed to the extension allow the primacy of the historic building within the site to be emphasised. The report recommends the grant of planning permission and recommends conditions to be attached.

The Drainage Division report raises no objection subject to conditions.

## 4.0 **Planning History**

Under Register Reference 4439/16, the planning authority granted permission for the conversion of 9 bedsits to a single family dwelling together with other specified demolition and construction works, including the construction of a pitched roof three-storey extension to the side and rear, at 52, Charleston Road (Protected Structure).

## **5.0 Policy and Context**

### **5.1. Development Plan**

Under the Dublin City Development Plan 2016-2022, the site is in an area with the Land Use Zoning Objective Z2 – to protect and/or improve the amenities of residential conservation areas. Section 11.1.5.4 addresses Architectural Conservation Areas and Conservation Areas and the planning authority seeks to ensure that development proposals in these areas complement the character of the area, including the setting of protected structures.

The Dublin City Development Plan 2022-2028 was adopted on 2<sup>nd</sup> November 2022, and in this plan the site is in an area zoned Z2 – Residential Neighbourhoods (Conservation Areas). In respect of Protected Structures, the plan seeks to ensure that development will conserve and enhance protected structures and their curtilage, works are carried out in line with best conservation practice, development is appropriate in terms of scale, mass, height etc., and that historic gardens and walls are protected and retained.

### **5.2. Natural Heritage Designations**

The proposed development is not directly connected with or necessary to the management of any European site. Having regard to the nature and scale of the proposal, the proposed development by itself, or in combination with other plans or projects would not have any significant impact on any designated site, and appropriate assessment is not required.

### **5.3. EIA Screening**

The development proposed is not of a class to which the EIA Directive applies, and does not include any works which, themselves, come with any class to which the EIA

Directive applies. Furthermore, there is no likelihood of significant effects on the environment arising. As such, the need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required.

## **6.0 The Appeal**

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

These are submitted on behalf of the owner of 51, Charleston Road, and generally refer to the same issues as detailed in the objection submitted to the planning authority. They may be summarised as follows:

- A new Development Plan was adopted on 2<sup>nd</sup> November 2022 and came into effect on 14<sup>th</sup> December 2022. This updated the vision of zone Z2 and relevant policies. Appendix 18 relating to residential, extensions is revised.
- The proposed development is not sensitively designed and is inappropriate for the site and context. There is potential impact to the Protected Structure by way of direct impact and to the party wall boundary.
- There are inconsistencies in the planning application drawings, including additional information. Direct and indirect impacts on the Protected Structure have not been properly assessed, including on the appellant's party wall boundary. Submitted drawings show different levels of encroachment on the party wall. It is not appropriate to leave the resolution of this matter to a condition of the planning permission.
- Concerns are raised about the proposed flashing and drainage details. Rainwater could discharge on to the appellant's property. There are no detailed drawings of the surface run-off from the roof elevation of the extension onto the party wall.
- No letter of consent from the appellant was provided. There are concerns that the development could not be completed without the appellant's consent.

- There are concerns regarding the impact of the development on the setting of the Protected Structure. The current separation distance of 4.1m appears to be removed entirely and the main façade will read as almost one with the appellant's property, eroding the heritage setting of both properties. The proposed extension will appear overbearing. The Inspector's report regarding Registry Reference 248230 accepted the proposal on the grounds that as separation distance would be provided.
- The proposed extension is out of character with the existing architectural, style

## 6.2. Applicant Response

This may be summarised as follows:

- The planning authority closely and thoroughly examined this application, including issuing a request for Further Information
- There are no inconsistencies in the submitted drawings. The appellant has misread the plans showing a lead flashing over and up to the applicant's side of the party wall. Flashing is proposed to prevent rain water draining on to the appellant's property. The flashing proposed is reversable in nature.
- The party wall is jointly owned. The entire proposed development is on the applicant's property. All surface water will be drained within the applicant's boundary. There is no requirement for a letter of consent from the appellant.
- Condition 3 is a standard Dublin City Council approach.
- The proposed extension would be recessed and would read as set back and distinct from the main house. It would not be overbearing in the context of the streetscape or its impact on the appellant's property.



### 6.3. **Planning Authority Response**

The planning authority request the Board to uphold the decision to grant permission. If permission is granted the planning authority requests that a condition requiring the payment of a section 48 contribution be applied.

### 7.0 **Assessment**

- 7.1. The proposal is for the partial demolition of an existing three-storey side projection (10.2 sqm) and the construction of a new three-storey mono-pitched extension (60 sq.m) to the side, together with the formation of new door opens to the existing side elevation, removal of windows to side elevation, internal alterations and associated ancillary works. No. 52 is a Protected Structure. The planning authority, following the submission of additional information, granted permission subject to conditions. The appeal is lodged by the adjoining neighbours to the north-east.
- 7.2. The planning authority previously granted permission for the conversion of 9 bedsits to a single family dwelling, together with other specified demolition and construction works, including the construction of a pitched roof three-storey extension to the side and rear of 52, Charleston Road.
- 7.3. Under the Dublin City Development Plan 2022-2028 the site is in an area zoned as a Residential Neighbourhood (Conservation Area). I submit that the proposal is acceptable in principle under that zoning objective.
- 7.4. I submit that the key issues to be determined in this appeal are as set out in the grounds of appeal. The appellant contends that there are inconsistencies in the drawings submitted with the application and that these show different levels of encroachment on the party wall. I submit that the submitted drawings, including the additional information submitted, give a sound basis on which to assess the proposal, and that any 'inconsistencies' are of a minor nature. In this regard I note that a pebble dash finish is shown both sides of the party wall, whereas there is a brick finish on the No 51 side. Drawing RF1.01b shows a revised north west elevation in which the proposed three-storey extension is shown approximately 225mm setback from the site boundary, whereas Section AA on the same drawing shows the extension built up to the boundary wall. Section BB on Drawing RF1 03/04

clearly shows the extension built to the boundary wall with lead flashing and 50mm upstand along the applicants' portion of the party wall.

- 7.5. I see no reason why the application for permission should have included a letter of consent from the residents of No. 51. I draw the Boards attention to Section 34(13) of the Planning and Development Act 2000, as amended which states that “a person shall not be entitled solely by reason of a permission under this section to carry out any development”.
- 7.6. The appellant contends that the proposed development is not sensitively designed and is inappropriate for the site and context. I submit that the most visually prominent element of the overall proposal is the three-storey extension to the north-east. It is mono-pitched and black brickwork finish is proposed. The permitted extension is set back approximately 2500mm from the main front wall of the existing dwelling, except for a protruding oriel window at upper ground floor level. The party wall between Nos. 52 and 51, including the brick capping, is to be retained, and flashing is to be placed on top of the wall; this intervention is reversable. I submit that the proposed development would not result in a detrimental impact of the party wall. Furthermore, having regard to the design, height, finishes, and setback from the main front façade, I consider that the proposed extension would not detract from the setting or character of the main dwelling, or the setting and character of No. 51 or the character of the wider area. It is proposed to demolish the existing side extension and I see no convincing reason why this should not be permitted.

## 8.0 Recommendation

- 8.1. I recommend that planning permission be granted.

## 9.0 Reasons and Considerations

Having regard to the planning history relating to the site, the height, design, finishes and setback of the proposed three-storey extension, and to the zoning objective of the Dublin City Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the following conditions, would not detract

from the setting or character of the main dwelling, adjoining property or of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by Additional Information submitted to the planning authority on 15<sup>th</sup> November 2022, save as may be amended by the following conditions. For the avoidance of doubt, the junction between the proposed three-storey extension and party wall with No. 51 shall be as indicated in Section BB on drawing RF1 03/04.</p> <p><b>Reason:</b> In order to clarify the development permitted by this permission.</p>
2.	<p>A qualified conservation architect with proven, appropriate expertise shall be engaged to oversee the development, and shall ensure the protection of retained historic fabric during the works. All works shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011).</p> <p><b>Reason:</b> In order to protect the original fabric, character and integrity of the protected structure and to ensure that all works are carried out in accordance with best conservation practice.</p>
3.	<p>The development shall be carried out in accordance with the drainage requirements of the planning authority.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development.</p>
4.	<p>Standard Section 48 financial contribution.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, 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>

5.	<p>Site and building works shall be restricted to between the following hours:</p> <p>Mondays to Fridays (inclusive) – 7.00am to 6.00pm</p> <p>Saturdays – 8.00am – 2.00pm</p> <p>Sundays and Public Holidays – No activity on site.</p> <p>Any proposal to deviate from the above permitted times shall be the subject of a written request to the planning authority and agreement in writing by the planning authority.</p> <p><b>Reason:</b> In the interest of protecting the amenities of adjoining residential occupiers</p>
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Des Johnson  
Planning Inspector

22<sup>nd</sup> May 2023.