



An
Bord
Pleanála

Inspector's Report ABP316242- 23

Development	Refurbishments and repairs to a house (protected structure).
Location	113 North Circular Road, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4847/22
Applicant(s)	Pierce Madden
Type of Application	Permission
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party V Grant
Appellant(s)	John Monahan
Observer(s)	None
Date of Site Inspection	16 th June 2023.
Inspector	Hugh Mannion.

1.0 Site Location and Description

1.1. The application site comprises a two storey over basement terraced house at 113 North Circular Road, Dublin 7. There is a pedestrian gate and concrete path from the NCR to a flight of steps to the front door and a second door to the basement level underneath this flight of steps. The front garden has been dressed in white gravel (part of the application for permission). To the rear is a garden at a slightly higher level than the basement floor level. The appellant's property adjoins the application site at 111 North Circular Road.

2.0 Proposed Development

2.1. The proposed development comprises;

- Retain gravel in the front garden.
- Permission for re-wiring throughout including external lights.
- Install new heating system with boiler.
- New electricity and gas metres to the wall under the front steps.
- Repair roof including with new natural slate.
- New lead valleys.
- New rooflight to front door.
- Repair/renew damaged plasterwork.
- Create 3 new ensuite and one new bathroom connected to existing drainage.
- Lower cill of existing return window and create new door opening with new steel balcony and steps to upper rear garden.
- Remove and store existing timber stairs to lower ground floor in attic and fill in space with new storerooms.
- Fill in external section of door opening to upper ground floor rear return and fit new opaque glazing window.
- Repair sections of rotten timber to ground floor, fit new plasterboard ceiling to lower ground floor, fit new damp proofing system to lower ground floor walls.

fit new vapour permeable drylining with lime finish to lower ground floor walls, fit new timber joinery to lower ground floor, fit new kitchen units.

- Replace existing damaged front and rear external doors to lower ground floor with new.
- Replace non-original steel window in return with new.
- Fit new timber guarding between upper and lower sections of rear garden.
- Remove non-original awning framework from rear garden, redecorate throughout and all associated works.

All at 113 North Circular Road, Dublin 7.

3.0 Planning Authority Decision

3.1. Decision

3.2. Grant permission subject to 10 conditions.

Condition 2 required that the entire house be used as a single residential unit.

Condition 4 required privacy screening to the new external staircase to protect the amenity of adjoining houses.

Condition 5 set out detailed requirements in relation to building conservation matters.

Condition 8 limited construction working hours to 7am- 6pm Monday to Friday and 8am to 2pm Saturdays with no works on Sundays or public holidays.

3.2.1. Planning Authority Reports

3.2.2. Planning Reports

The Chief Executive's order reflected the planning officer's recommendation grant permission for the proposed development subject to conditions.

The initial planners report recommended requesting further information as follows,

- Drawing showing the site and adjoining lands.

- Clarify the planning status of the three residential units stated to comprise the ground floor. Clarify the planning status of these units. Clarify the proposed use of the ground floor and if multiple units are proposed.
- Details providing for retention of the staircase, door and glazed over-light, separation between floors, conservation of the over-light and door in the return, details of the replacement upper ground floor window in the return, drawings of proposed amended services, details of damp proofing, details of the re-instated side elevation window, details of damp proofing to be carried out, details of new windows including where appropriate timber sash windows, details of the new external rear stairs.

3.2.3. Other Technical Reports

3.2.4. The **Conservation Section** reported twice. Initially the Conservation Officer sought further information in relation to the conservation of elements of the protected structure.

3.2.5. Having reviewed the submitted additional information the permission should be granted subject to conditions.

3.2.6. **Drainage Division** reported no objection.

4.0 Planning History

4173/06 permission refused for mews development in the rear of 113 North Circular Road in on St Davids Terrace to the rear.

5.0 Policy and Context

5.1. Architectural Heritage Protection Guidelines (DOEHLG 201).

5.2. These guidelines make the point development plans should “set out the appropriate use of modern design and materials in works to protected structure and have regard these in relation to development management decisions” and “it will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and to keep them in viable

economic use. Where the existing exterior appearance of a structure is of special interest, and its interior is of sufficient size, it may be possible to incorporate new functions or services within the existing envelope of the structure”.

5.3. Development Plan

5.4. The site is zoned Z2 – ‘to protect and/or improve the amenities of residential conservation areas’. The house is a protected structure.

5.5. Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. 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.

5.6. The house is a protected structure. Objective BHA4 refers to 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.

5.6.1. **Natural Heritage Designations**

Not relevant

5.6.2. **EIA Screening**

5.6.3. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The early start of 7am will negatively impact on neighbouring properties and the duration of works should be limited to 6 months.
- The fire escape stairs to the rear is being misused for entertainment activities.
- There is no need for a second external staircase. This stair is an attempt prepare the house for subdivision.
- The works should be supervised by a qualified conservation architect.
- The house should be limited to single occupancy. There are currently multiple persons living in the house.
- The introduction of gravel in the front garden is part of the process to turn it into car parking space.
- A condition should be attached requiring the placing of hoardings about the site for the duration of development works.
- The surface water and foul water drains are mixed within the site. They should be separated.

6.1.1. Applicant's Response

- The permitted working hours are those provided for in the City Development Plan.
- The fire escape is required for fire safety purposes as this is a 3-storey house.
- There is a similar rear escape stairs to the rear of 109 North Circular Road which may be in the ownership of the appellants. There are many such rear access stairs on similar properties along the North Circular Road with the purpose of accessing rear gardens from living areas within the house.

- Condition 5(b) requires the employment of a conservation specialist to manage the works. Other conditions require written agreements with the planning authority with the objective of protecting the historic fabric of the house.
- When the applicant bought the house in 2021 they were unaware that some remedial works on the lower ground floor required planning permission.
- The white gravel on the front garden was chosen as a low maintenance finish and is not in any way a precursor to using the space for car parking.
- All the drains referred to in the appeal were in site when the house was bought. No sewage enters the surface water drains.
- The ground floor is uninhabitable and will remain so unless the proposed refurbishment works are undertaken.

6.1.2. **Planning Authority Response**

- None

6.1.3. **Observations**

- None

6.1.4. **Further Responses**

- None

7.0 **Assessment**

7.1.1. This assessment will address the main planning issues as set out in the grounds of appeal. There are;

- working hours/hoarding/screening for development works,
- use of existing fire escape staircase and the additional external staircase,
- potential for multiple occupancy,
- parking the in front garden,
- surface water/foul drainage arrangements.

7.1.2. Working hours & hoarding/screening for development works.

7.1.3. The planning authority required that working hours be restricted to a 7am start time. The appeal makes the point that this is too early and will impact on the amenity of adjoining property. I consider that, given the terraced nature of the application site and the appellants adjoining house an 8am start would be reasonable.

7.1.4. I see no necessity to limit the working/implementation period to 6 months as requested in the grounds of appeal. Given that much of the work is internal or to the rear of the property I do not recommend any particular type or hoarding is required.

7.1.5. Fire escape staircase & additional external staircase,

7.1.6. The appeal makes the point that the existing external staircase for is used for entertainment purposes. The applicant makes the point that these types of external fire escapes are common features in situations of two storey over basement houses in the area. The proposed development provides that this fire escape is accessible from a 1st floor bedroom. Having regard to the very limited size of the platform at the top of this metal staircase and the proposed use of the renovated house as a single residential unit I conclude that its occasional use as a fire escape or direct access to the rear garden from a bedroom will not seriously injure the residential amenity of adjoining property by reason of overlooking.

7.1.7. The proposed development includes a small steel balcony (1.5m x 0.8m = 0.95m²) and steps from the new kitchen in the return down to the back garden. The appeal makes the point that this steel balcony and steps are unnecessary and are in preparation for turning the building into multiple units. The planning authority has conditioned that the house be used only as a single residential unit and I attach a similar condition in the draft order below. Having regard to the limited size of the steel balcony outside the kitchen door and the proposed use of the refurbished house as a single residential unit I conclude that the proposed development will not seriously injure the residential amenity of adjoining property.

7.1.8. Multiple Occupancy.

7.1.9. The appeal makes the point that the proposed development will facilitate the use the refurbished house as multiple residential units.

7.1.10. The applicant states (see page 6 in the response to the request for further information) that the application is not for separate residential units and that intended use of the house is as a single dwelling unit. The planning authority has conditioned that the refurbished house be used as a single dwelling unit. The draft order below includes a condition limiting future use of the house as a single dwelling unit. I conclude on this basis that the proposed development will be used as a single dwelling unit unless a separate planning permission is granted for another use.

7.1.11. Front Garden Parking.

7.1.12. The appeal makes the point that the laying of white gravel in the front garden is a precursor to a change of use of the front garden to parking space.

7.1.13. The appeal makes the point that when the applicants purchased the house they were unaware of the limitations of carrying out works within the curtilage of protected structures, as part of a general 'clean up' white gravel was laid in the front garden. This application for permission is not for the change of use of the front garden to car parking spaces. I conclude on this point that the current application for permission is acceptable.

7.1.14. Surface and Foul Water

7.1.15. The appeal makes the case that surface and foul water are mixed within the on-site drainage system. The applicant states that all drains are in the same condition as they were when the house was purchased two years ago and that there are separate foul and surface water systems operating within the site. The planning authority's Engineering Department Drainage Division (responsible for surface water infrastructure) reported no objection to the application for permission. Condition 7 of the planning authority's decision required compliance with the requirements of the Engineering Department Drainage Division.

7.1.16. Having regard to my site inspection, to the considerations set out above and noting the condition in relation to compliance with the requirements of the planning authority in relation to surface water drainage within the site set out in the draft order below, I

conclude that, the proposed development will not give rise to surface water pollution or seriously injure the amenity of property in the vicinity.

7.1.17. Conservation conditions.

- 7.1.18. Additional to the matters raised in the appeal I would comment on the conditions attached to the grant of permission. Condition 5(a)(vi) requires the applicant to submit for the approval of the planning authority details of the second door to be placed inside the original timber door to the rear yard at lower ground floor rear hall level.
- 7.1.19. In the request for further information at point 3 (c) the applicant was asked for proposals for the refurbishment and upgrading of the historic door and glazed overlight accessing the rear yard from the lower ground floor rear hallway (see especially drawing number FI-00-01) submitted on the PA on 24th April 2023. The applicant responded (See page 7 of the FI response) that this door more resembled a stable door than a domestic door but that in the interest of heat retention a second door would be installed behind it. The planning authority conditioned (see condition 5.vi) that details of this second door be submitted as compliance. I carried out a site inspection including of the lower ground floor, rear yard and this door.
- 7.1.20. The Architectural Heritage Protection Guidelines (DOEHLG 2011) make the point that development management decisions must balance the conservation objectives relating to Architectural Conservation Areas and protected structures with the necessity for modern standards of insulation, fire safety and finding appropriate sustainable uses.
- 7.1.21. Balancing the conservation advantage of refurbishing the entire building and returning it to a single residential use in an area – the North Circular Road from Hanlon’s Corner to the Pheonix Park gates – that had suffered severe neglect, the requirements for heat retention and the nature and poor condition of this door and overhead light, I conclude, that the replacement of this door and overhead light should be permitted and that details of a replacement door can be left to the applicant and the suitably qualified adviser required by condition 4 below.
- 7.1.22. I note that the planning authority did not apply a contribution condition and I do not recommend such a condition.

7.1.23. **Appropriate Assessment Screening**

7.1.24. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built-up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

8.1.1. I recommend a grant of planning permission.

9.0 **Reasons and Considerations**

The application site is in an area zoned to 'to protect and/or improve the amenities of residential conservation areas' in the Dublin City Development Plan 2022 to 2028 and the proposed development comprises works to a protected structure. Having regard to the nature of the proposed works as largely repair and refurbishment works to the house and the return of the house to single occupancy residential use and subject to the conditions set out set out below, it is considered that, the proposed development would contribute positively to the conservation of a protected structure and to the residential amenity of the area, would accord with the provisions of the City Development Plan and would be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17 th day of February 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
----	---

	<p>agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external door and glazed overlight at the rear ground floor level accessing the yard shall be replaced with a new door.</p> <p>Reason: In the interests of sustainable thermal insulation of the refurbished house and residential amenity.</p>
3.	<p>The landing at the top of the new stairs from the rear return kitchen to garden level shall be fitted with an opaque screen 1.7m high.</p> <p>Reason: To limit overlooking in the interests of residential amenity.</p>
4.	<p>Prior to commencement of development a schedule of all proposed works of replacement, repair and refurbishment to the protected structure (with the exception of the replacement door mentioned in condition 2 above) shall be submitted to and agreed in writing with the planning authority and following agreement these works shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<p>The house shall be occupied as a single residential unit.</p> <p>Reason: In the interests of residential amenity.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the [residential] amenities of property in the vicinity.
--	---

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.

Hugh Mannion
Senior Planning Inspector
17th June 2023