

An
Bord
Pleanála

Inspector's Report ABP316288-23

Development	Protected Structure: construction of single and 2-storey extension, internal and external works and new vehicular access from Palmerston Road.
Location	42H Palmerston Road, Rathmines, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4439/22.
Applicant(s)	Frank and Rebecca Mitchell.
Type of Application	Permission.
Planning Authority Decision	Grant subject to condition.
Type of Appeal	First Party
Appellant(s)	Frank and Rebecca Mitchell.
Observer(s)	Richview Residents Association.
Date of Site Inspection	21/06/2023.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site is prominently located at the junction of Palmerston Road and Cowper Road. The site area is given as 844 sq. metres. The Palmerston Road / Cowper Road junction is regulated by traffic lights. Both Palmerston Road and Cowper Road are tree-lined residential avenues that comprise part of the inheritance of Victorian / Edwardian domestic architecture in this part of Dublin City south of the urban core.
- 1.2. The applicant site is located on the east side of Palmerston Road with the principal 3-bay entrance front facing west. There is a distinctive two-storey projecting bay on the northside of the entrance.
- 1.3. No. 42H Palmerston Road is a substantial predominantly 2-storey / part 3-storey period semi-detached house constructed circa.1890 in a streetscape of similar houses; the adjoining house to the south is no. 42G Palmerston Road. The property has a substantial front garden accessed via a pedestrian entrance gate aligned with the front entrance door. The gate forms part of the cast iron railings on granite plinth defining the property boundary onto Palmerston Road. There is a large mature lime tree located in front of the pedestrian gate.
- 1.4. The large rear garden is located to the south of Cowper Road and shares a boundary wall with Cowper Road along its full length. This side boundary is punctuated by a separate pedestrian and vehicular entrance.
- 1.5. No. 42H Palmerston Road is a protected structure (RPS Ref: No. 6215) located within a residential conservation area.

2.0 Proposed Development

- 2.1. The development (of a Protected Structure) at 42H Palmerston Road, Rathmines, Dublin 6, will consist of the following:
 - (i) The demolition of the existing non-original single-storey rear extension and a section of the northern side wall of the existing kitchen and dining room area at ground floor level;

- (ii) The construction of a part 1 and part 2 storey extension, with rooflights, to the rear and side of the existing dwelling together with refurbishment works to the existing dwelling;
- (iii) Internal works to the existing dwelling (as listed on the public notice);
- (iv) External works including refurbishment of existing windows to include retrofitting with double-glazing and repointing of existing brickwork at front, side and rear elevations;
- (v) Removal of existing pedestrian and vehicular entrances from Palmerston Road and Cowper Road and replacement with matching boundary wall treatments;
- (vi) Provision of a new vehicular entrance and driveway to the front of the dwelling from Palmerston Road;
- (vii) Provision of a new pedestrian entrance from Cowper Road;
- (viii) Permission is also sought for any landscaping alterations to all elevations, drainage and ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Grant planning permission subject to condition. This appeal relates to Condition number 3, Condition number 4 and Condition number 5 paragraph (a) (i) and (a) (iv).

The grant of permission states:

- Condition number 3

Prior to the commencement of development the applicant is required to submit for the written agreement of the Planning Authority revised plans omitting the proposal vehicular entrance to Palmerston Road.

Reason: In the interests of orderly development and the visual amenities of the area.

- Condition number 4

Prior to the commencement of development the applicant is requested to submit for the written agreement of the Planning Authority revised drawings omitting the 5.2m

long bay window to the dining area with a flush window to this part of the extension, so as to allow reducing the impact on the rear reception room.

Reason: In the interest of the proper planning and sustainable development of the area.

- Condition number 5

The following requirements of the Planning Authority's Conservation Section shall be fully complied with in the proposed development.

(a) the applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:

- *(i) Revised elevation and plan drawings of the rear extension minimising the number of projecting elements, simplifying the elevational treatment of the extension to ensure it does not adversely detract from aesthetic amenity of the rear elevation;*
- *(iv) Revised methodology omitting the application of calcium silicate board to the inner faces of external walls due to the significant adverse impact the application of this board will have on the historic flat plaster, decorative plaster and internal joinery.*

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 42H Palmerston Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

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

- Transportation Planning Division object to the relocation of the vehicular access from Cowper Road to Palmerston Road. The Division note that the applicant was advised at pre-planning regarding the constraints of a vehicular

access at Palmerston Road. The applicant was asked to omit the vehicular access by way of a further information request (September 2022). However, the applicant submitted a revised proposal for the access. The Division object to the original application proposal (Report 26/08/22) and revised proposal (Report 14/03/23), as submitted by way of a further information response (submitted 22/02/23), on the grounds of traffic safety due to constrained sightlines and the negative impact on the mature street tree set in front of the property.

- Parks, Biodiversity & Landscape Service object to the original application (submitted 08/07/22) for a vehicular access from Palmerston Road and to the proposed amended access revised by way of a further Information response (submitted 22/02/23) on the grounds of the negative impact on the existing high value public street tree (Report 15/03/23).
- The conservation officer made negative recommendation in regard to a number of elements of the development proposal (Report 30/08/23). These recommendations formed the basis of a further information request. Subsequently, the conservation officer made further negative recommendation (Report 24/02/23) in regard to elements of the further information response (submitted 22/02/22) including the negative impact of the proposed vehicular access and front garden parking on the setting of the protected structure, the scale and form of the proposed part single-storey and part two-storey rear extension (as amended) and other matters *inter alia* that were subsequently dealt with by way of condition to the grant of planning permission.

4.0 Planning History

Dublin City Council Register. Ref: 5620/04 (March 2005) granted planning permission for a vehicular opening onto Cowper Road in the side boundary wall facilitating parking in the rear garden of no. 42H Palmerston Road. Condition 3 restricted the side / back garden parking area to one car parking space in the interests of maintaining the visual character of the residential conservation area.

The following is also relevant: Dublin City Council under Register Ref: 3055/19 (August 2019) granted planning permission *inter alia* for demolition of existing single storey extensions and the construction of new replacement single-storey extension to the east with new glazed link at no. 42E Palmerston Road (Protected Structure). The proposed single storey rear extension would extend a depth 6.6 metres and be indented 1.5 metres from its nearest neighbouring boundary with the rear garden of No. 42D Palmerston Road. No. 42E Palmerston Road is a similar style dwelling house located in the same streetscape to the south of the applicant house.

5.0 Policy and Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 is Z2 (Residential Conservation): To protect and/or improve the amenities of residential conservation areas. The proposed development is a permissible use.

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*

- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... 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:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity.....*

Protected Structure

No. 42H Palmerston Road is a Protected Structure (RPS Ref: no. 6215).

The development plan states that: *the purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character.*

Policy Objective BHA2, Chapter 11 of the Plan states in the matter of the 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.

(c) 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.

(d) 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.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage.

Residential Extensions

Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles) *inter alia* states:

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

Applications for extensions to existing residential units should:

- *Not have an adverse impact on the scale and character of the existing dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- *Achieve a high quality of design*
- *Make a positive contribution to the streetscape (front extensions).*

Vehicular Entrances and Front Garden Parking

Appendix 5, Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant. Section 4.3.1 (Dimensions & Surfacing) states:

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public

road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

Detailed requirements for parking in the curtilage of Protected Structures and in Conservation Areas are set in Appendix 5, Section 4.3.7.

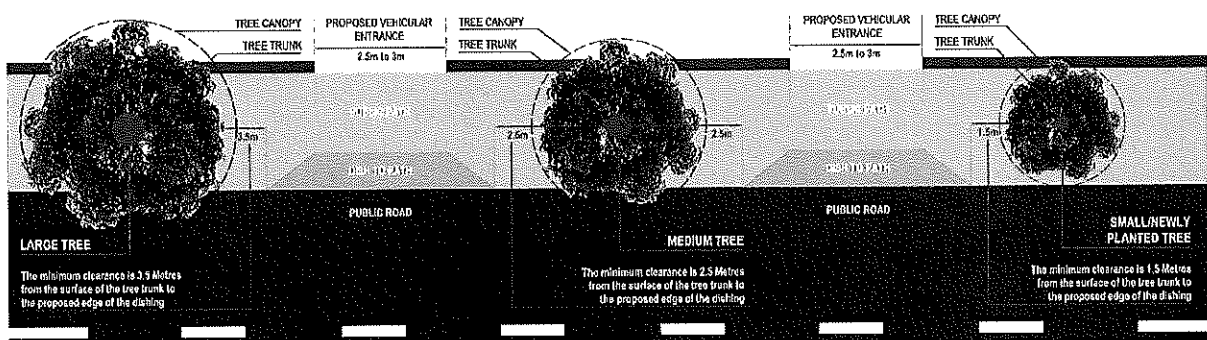
Where site conditions exist which can accommodate car parking provision without significant loss of visual amenity and/or historic fabric, proposals for limited off-street parking will be considered which meet a list of performance criteria. The following *inter alia* criteria are relevant to the assessment of the development proposal:

- *A high standard of design and layout will be expected to integrate the proposal into the sensitive context, the use of natural materials that would complement the special character of the Protected Structure i.e. gravels, granite etc.;*
- *The retention of most of the original boundary wall and/or railings and plinth wall and the re-use of the removed railings for new access gates will be sought;*
- *Works which would involve the loss of mature and specimen trees (those in good condition) which contribute to the character of a protected structure or conservation area, both within the private and public domain, will be discouraged;*
- *Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area;*
- *Access to and egress from the proposed parking space will not give rise to a traffic hazard;*
- *The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing.....;*
- *The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary.....;*

- Where cast or wrought iron or other historic railings exist and historic brick and stone boundary walls, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast iron or other railings that require alterations shall be reused and integrated with all new parking proposal.....;

Furthermore, Appendix 5, Section 4.3.2 (Impact on Street Trees) states: *In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused and a financial security required to cover any damage caused..... The extent of the associated dishing of the footpath and kerb for a vehicular entrance shall not negatively impact on existing street trees and tree root zone. A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing. Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree.*

Figure 1: Street Trees and Vehicular Entrances



Architectural Heritage Protection Guidelines

In terms of national guidance - Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht are relevant.

Further detail on the appropriateness of works *inter alia* to a protected structures is provided for in the Department of Environment, Heritage & Local Government – conservation advice series – in the instance of the subject appeal ‘Energy Efficiency in Traditional Buildings’ is relevant.

5.2. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The following are the grounds of appeal against Condition number 3, Condition number 4 and Condition number 5 paragraph (a) (i) and (a) (iv) :

- The proposed vehicular entrance would not result in visual dis-amenity or result in disorderly development. A separation distance has been provided from the street tree on Palmerston Road to the proposed access. Furthermore, the existing Cowper Road access has no sightlines and cars must reverse onto the road, which is a designated cycle route. In addition, numerous planning permissions for new vehicular entrances near street trees and along Palmerston Road have been granted by Dublin City Council in the immediate vicinity. Examples are illustrated in the body of the appeal statement.
- The Planning Authority’s justification for omitting the bay window is misrepresented from the conservation department’s report. The bay window should not be omitted from the development as it accords with the proper planning and sustainable development of the area.
- The proposed part single-storey and part two-storey extension has been designed to respect the style and architectural merit of the existing dwelling to conserve the character and integrity of the protected structure and the surrounding area. The extension has been significantly reduced in scale, height and massing subsequent to the Planning Authority’s further information

request. The design approach ensures that the extension is subordinate to the main dwelling. The appeal statement cites precedents in the area evidencing appropriate scale and form for this location.

- The application of internal insulation to the exterior walls would not significantly affect the original fabric, character and integrity of the dwelling. The proposed works would be carried out in accordance with best conservation practice, including the protection of cornicing. Furthermore, the works proposed to provide additional insulation and to provide refurbishment and retrofitting of windows would improve energy efficiency in accordance with sustainable development.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

No relevant response received.

6.4. Observations

There is one observation on this appeal from the Richview Residents Association. The submission comprises the following observations:

In the matter of Condition number 3 (omission of vehicular access) -

- The proximity of the existing tree and signalled junction (Palmerston Road / Cowper Road) to the proposed access;
- Many houses close to the junction have their access at the side of the property;
- The relocation of the original "Rathmines Township Lamppost" which is part of the designed streetscape is a major intervention.

In the matter of the proposed rear east elevation -

- The setback and reduction in height immediately adjacent to no. 42G Palmerston Road is welcomed.

- The french doors to the rear elevation, lighting the “kids room”, in their original location are at a higher level than the proposed extension but are shown at ground level on Drg. No. 2021-26-FI-101 with a reduced height restricting daylight.

7.0 Assessment

- 7.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matter at issue in this case is Condition number 3, number 4 and number 5(a)(i) and 5(a)(iv) (the sole subject of the appeal) and that no other planning matters need to be considered by the Board. The conditions the subject of this appeal are assessed below:
- 7.2. There is one observation on this appeal from the Richview Residents Association. These observations are considered in the assessment below.
- 7.3. In the matter of Condition 3, the grant of planning permission requires the omission of the vehicular access onto Palmerston Road. The appellant states that the proposed vehicular entrance would not result in visual dis-amenity or result in disorderly development. In addition, numerous planning permissions for new vehicular entrances near street trees and along Palmerston Road have been granted by Dublin City Council in the immediate vicinity. Examples are illustrated in the body of the appeal statement.

The site of no. 42H Palmerston Road is located at the corner of Palmerston Road and Cowper Road. The junction is busy and is regulated by traffic lights. There is an existing pedestrian entrance and a vehicular entrance from Cowper Road located to the side and rear of the dwelling house, respectively. There is also a pedestrian access from Palmerston Road to the front of the house aligned with the main entrance to the house. The development proposal seeks to alter the front boundary to create a new vehicular access (approximately 2.6 metres in width) to the extreme south of the site (located at the furthest point from the traffic junction) between an existing mature lime tree (T96) and an historic street lamp post. The proposal would remove the existing pedestrian entrance from Palmerston Road (Drawing No. 2021-26-P-201 dated 06/04/2022). The lime tree has a 77cm diameter and is located in

front of the existing pedestrian access. The Palmerston Road vehicular access would facilitate the hard surfacing of part of the front garden.

It is noted that the authorisation of a new rear extension, that forms part of the overall development proposal, will remove the existing side garden access and on-site parking provision granted under Reg. Ref: 5620/04 (March 2005). The existing Cowper Road vehicular and pedestrian accesses will be closed and the boundary wall made good; the pedestrian access would be relocated and widened further west of its existing position (Drawing No. 2021-26-P-201 dated 06/04/2022).

The layout and design of the proposed front garden would accommodate a hard surfaced parking area for two cars (Drawing No. 2021-26-P100 dated 14/04/22). The proposal would retain most of the original boundary railings and granite plinth wall but the pedestrian gate would be removed. The Dublin City Development Plan 2022-2028, Appendix 5, Section 4.3.1 provides that vehicular entrances *shall be at least 2.5 metres or at most 3 metres in width*. The width of the proposed vehicular access from Palmerston Road would be 2.620 metres.

The proposed front garden car park area would have a depth of 8.675 metres and a width of 10.190 metres within this substantial front garden (17 x 13 metres = approximately 220 sq. metres). The basic parking dimensions to accommodate the footprint of a car park within a front garden is 3 x 5 metres. The restriction within the curtilage of protected structures is that the car parking area cannot exceed the soft landscaped area. The proposed vehicular entrance and front garden parking would satisfy the above criteria. However, there are a large number of criteria set out in Appendix 5, Section 4.3.7 (parking in the curtilage of Protected Structures and in Conservation Areas) that must be satisfied that also include *inter alia* the following:

- *Works which would involve the loss of mature and specimen trees (those in good condition) which contribute to the character of a protected structure or conservation area, both within the private and public domain, will be discouraged;*
- *Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area.*
- *Access to and egress from the proposed parking space will not give rise to a traffic hazard.*

The Dublin City Council Transport Division, the Parks Biodiversity and Landscape Services Division and the conservation officer object to the Palmerston Road vehicular entrance and the provision of front garden parking. The grounds of objection relate to traffic safety with reference to sight lines toward the junction with Cowper Road, the preservation and health of the mature lime tree (T96) and the negative impact of the proposal on the setting of the protected structure, including the impact on the principal front façade and boundary railings. The planning case officer requested further information on a number of matters including the omission of the vehicular entrance. Item 2 of the further information request states (dated September 2022):

The applicant is requested to submit revised drawings which omit the proposed vehicular entrance to the front garden given the objections raised by the Transport Division, the Parks Department and also the Conservation Section.

In response, the appellant amended the vehicular access from Palmerston Road. The further information response (submitted 22/02/23), increased the distance from the proposed vehicular access to the tree trunk from 2 metres to 2.768 metres. The increase in distance would be facilitated by the relocation of the historic lamp post. The applicant / appellant also submitted an “Arboricultural Note” compiled by Charles McCorkell Chartered Arboricultural Consultant (dated February 2023).

The Dublin City Development Plan 2022-2028, Appendix 5, Section 4.3.2 (Impact on Street Trees) states:

In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated.

Section 4.3.2, Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree. The minimum clearance distance for a mature tree is given as 3.5 metres from the surface of the tree trunk to the proposed edge of the dishing of the footpath. The dishing of the footpath usually extends to 900mm beyond the edge of the vehicular entrance on each side. It is considered that

the amended distance of 2.768 from the proposed access to the tree trunk would therefore be insufficient to satisfy the minimum clearance criteria and would potentially negatively impact on the subject tree and root zone.

The Dublin City Council Transport Division and the Parks, Biodiversity and Landscape Services Division objected to the revised proposal, as amended by way of the further information response (submitted 22/02/23) on the grounds of road safety with reference to sightlines and citing the negative impact on the mature lime tree (Tree 96) located in front of the proposed entrance and within the root protection area of the subject tree. Parks Services Division states (15/03/23):

The actual distribution of tree roots has not been presented and presumptions given on where the roots are growing are therefore not valid. A tree of this size will have an extensive rooting system close to the surface.....The proposed development will therefore cause direct impacts within the tree root zone of the tree which are likely to cause impact to its health condition and lead to possible loss.

I consider subject to my site visit, the planning policy context provided by Appendix 5 of the Dublin City Development Plan 2022-2028, and my review of the submitted documentation that the risk to the health of the mature tree (Tree 96), within an avenue of similar lime trees that in part define the character of Palmerston Road, is significant.

The Dublin City Council conservation officer does not support the provision of a new vehicular access and parking for two cars in the front garden of no. 42H Palmerston Road. The conservation officer notes that the dwelling house has existing parking to the side of the house providing for the front garden and boundary to remain intact, which preserves the historic setting and amenity of the protected structure. The relocation of the parking area to the front of the dwelling house would introduce a significant area of hard landscaping, which would *inter alia* have a negative impact on the principal façade and boundary railings of the protected structure.

The “Arboricultural Note” looked at alternatives (located closer to the Palmerston Road / Cowper Road traffic junction) to that of locating the access between the subject mature lime tree (Tree 96) and the historic lamp post. However all of the alternatives were located in the front garden of the property with access from

Palmerston Road and did not investigate the relocation of the existing vehicular access, to the rear of the proposed new extension, within the side / back garden of the dwelling house with access from Cowper Road; the side / back garden of no. 42H Palmerston Road is approximately 30 metres long as measured from the main rear elevation to the property boundary with no. 50 Cowper Road.

A large number of houses in the vicinity of no. 42H Palmerston Road have vehicular access from Palmerston Road / Cowper Road with front garden car parking. However, the location of the proposed Palmerston Road vehicular access at the southern extremity of the front boundary of the dwelling house, between a mature lime tree (forming part of an avenue of similar mature lime trees that in part define the character of Palmerston Road) and an historic lamp post, is problematic given that the access would only be at a distance of 2.768 metres from the tree (T96). On balance given the grounds of appeal, the planning policy context, which requires a 3.5 metres clearance between a mature tree and the vehicular access (not including the footpath ditching), my observations on site, and the content of the DCC technical reports (including the negative recommendation of the conservation officer, the significant concerns of the Parks Department in the matter of the preservation and the health of the root zone of the mature lime tree and the negative recommendation of the Transport Division), I consider that Condition number 3 to omit the vehicular access should be retained.

- 7.4. In the matter of condition 4, the planning permission requires *revised drawings omitting the 5.2m long bay window to the dining area with a flush window to this part of the extension, so as to allow reducing the impact on the rear reception room*. The proposed bay window located on the south elevation of the proposed extension at ground floor level is 5.2 metres in length and approximately 3.3 metres in height (as submitted by way of further information response on the 22/02/23). The window would project by approximately 1.0 metres and would be located 2.265 metres from the party wall with the adjoining property at no. 42G Palmerston Road.

The appellant claims that the condition arises from a misinterpretation of the conservation officer's report (compiled in response to the further information submission dated 24/02/23), which recommended *inter alia* that: *The various stepped elements of the proposed single-storey extension detract from the appreciation of the rear elevation of the Protected Structure, and it is recommended*

that these be revised. The appellant is of the opinion that the planning case officer misinterpreted the recommendation of the conservation officer's report stating that: *Whilst we note the Conservation Section's request to limit the number of projections, it is believed their request was intended to be related to the existing single storey extension element to the rear and there is no mention of the bay window within the Conservation Report.* However, a full reading of the relevant section of the Planners Report (dated 16/03/23) would confirm that the planning case officer rationale for the omission of the bay window is more comprehensive. The Report states:

...the conservation section have recommended conditions which limit the number of projections, by this the dining area has a large bay type window which should be omitted from the extension allowing the rear of the Protected Structure to be more prominent and which will also provide for a less detrimental aspect and quality of light into this rear reception/kids rooms (my underline).

I do not agree with the appellant that the planning case officer misinterpreted the conservation officer's report. However, I consider that greater transparency may be achieved by altering the material structure of the subject bay window, for example, by using a structural or frameless planar glazing system. In my opinion, subject to the provision of a more transparent and simplified window structure and for the reasons outlined below, Condition 4 should be amended to re-instate the bay.

- 7.5. In the matter of Condition 5 (a) (i), the grant of permission requires the submission of revised elevation and plan drawings of the rear extension minimising the number of projecting elements, simplifying the elevational treatment of the extension to ensure it does not adversely detract from aesthetic amenity of the rear elevation. The appellant argues that the proposed rear extension has been designed to respect the style and architectural merit of the existing dwelling to conserve the character and integrity of the protected structure and the surrounding area. The appellant claims that the design approach ensures that the extension is subordinate to the main dwelling. A number of examples of planning permissions previously granted for the extension of houses on Palmerston Road are cited as evidencing the above.

It is considered that the protected structure status of no. 42H Palmerston Road requires that the works to extend the house shall not have a negative impact on the

special character and appearance of the structure and its setting (see Policy BHA2). Furthermore, the siting and design of the extension needs to be considered in the context of the setting of the protected structure within the wider conservation area designation, including contributing positively to the character and distinctiveness of the area (see Policy BHA9), and given the prominent location of the proposed extension publicly visible as viewed from Cowper Road.

The appellant (both within the appeal statement and as part of the Planning Report dated July 2022 accompanying the application documentation to DCC under Reg. Ref: 4439/22) *inter alia* provides a review of planning application for the alteration and extension of protected structures in the vicinity on Palmerston Road, including the extension of no. 42E Palmerston Road. The review evidences in instances the authorisation of development proposals for the replacement of single and two-storey rear return structures with new build extensions of greater height and scale.

The appellant has made significant amendment to the design of the proposed side / rear extension by way of a further information request response to the Planning Authority (submitted on the 22/02/23). It is considered that the amended drawings significantly reduce in terms of footprint, scale, height and massing the potential negative impact of the extension on the adjoining property at no.42G Palmerston Road (RPS Ref: no. 6214) and on no. 42H Palmerston Road itself and on the setting of the protected structures.

The DCC conservation officer evidences that the existing single storey extension is original and that the loss of the extension, though it has been altered, is regrettable. She notes that the amended extension submitted by way of further information to the Planning Authority would provide mitigation in terms of the pull back of the single-storey element from the south boundary, the retention of the historic opening from the rear room of the main house, and the retention of *a greater amount of the historic rear and side wall to the northeast*. However, the conservation officer considers that the proposed extension as amended would be of *significant scale compared to the protected structure*.

The proposed extension as amended by way of further information would in part (ground floor) in area measure 11.5 metres in width and project 10.5 metres from the rear elevation of the main house into the side/rear garden and in part (first floor)

would in area measure 7.0 metres in width and project 7.305 metres from the rear elevation of the main house. The extension would have an overall apex height of approximately 7.5 metres at two-storey level and a parapet height of 4.2 metres at ground floor level. The footprint of the main house is approximately 11.5 x 14 metres and has an approximate height of 8.5 metres to main parapet. I consider that the amended extension would be subservient in height and floor area to the main house.

It is considered that the accretion and extension to the rear of houses in the Victorian / Edwardian streetscapes in the vicinity are part of the evolution of the built form within this part of the city and within the designated residential conservation area. The proposed extension to the rear of no. 42H Palmerston Road would be contemporary in design and would create a clear visual differentiation between the historic built fabric and the new build rear extension. Furthermore, it is considered that the proposed extension, as amended by way of further information on the 22/02/23, is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, layout and materials (subject to the material finish being agreed with the Planning Authority prior to the commencement of development). I consider that the requirement to minimise the number of projecting elements and simplify the elevational treatment of the extension to ensure it does not adversely detract from aesthetic amenity of the rear elevation is unwarranted.

In the context of the established precedent to extend and alter houses on Palmerston Road (in general to the rear of these protected structures), the resulting enhanced residential amenity that would be enjoyed by the occupants of no. 42H Palmerston Road, resulting from a rationalised floor plan and extended floor area, and given the reduced scale, footprint, height and massing of the extension and its contemporary design, I consider on balance that the rear extension, as amended by way of further information on the 22/02/23, would respect the amenities of adjoining property in terms of light and privacy, would not negatively impact on the setting of the protected structure within this residential conservation area (subject to the submission of the detail of the material finish to the Planning Authority which is provided for in Condition 5(a) (ii) of the permission) and would be in accordance with Policy Objective BHA2 (development of protected structures) of the Dublin City Development Plan 2022-2028. Therefore, Condition number 5 (a) (i) should be omitted from the permission.

7.6. In the matter of Condition 5 (a) (iv), the grant of permission requires the submission of a revised methodology omitting the application of calcium silicate board to the inner faces of external walls. The Planning Authority rationale for the exclusion is to address the significant adverse impact the application of the board will have on the historic flat plaster, decorative plaster and internal joinery.

The appellant argues that the application of internal insulation to the exterior walls would not significantly affect the original fabric, character and integrity of the dwelling. The appeal statement notes that the use of calcium silicate offers high compression resistance, high-temperature structural integrity and high corrosion resistance even in excessive moisture conditions. The statement also notes the popular use of the lightweight insulator, which is used in a variety of developments including protected structures. However, no examples are given including use with protected structures. It is noted that the proposed works would be carried out in accordance with best conservation practice, including the protection of cornicing. Furthermore, the additional insulation and the refurbishment and retrofitting of windows would improve energy efficiency in accordance with sustainable development.

Building Regulations Technical Guidance Document L2020 (conservation of fuel & energy – dwellings) (Government of Ireland 2020), Section 0.6 (application to buildings of architectural or historic interest) excludes protected structures from the requirements of Part L (the conservation of fuel and energy). Section 0.6.8 of the Technical Guidance recommends consulting the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Culture, Heritage and the Gaeltacht) and the document 'Energy Efficiency in Traditional Buildings' which is a part of the conservation advice series (Department of Environment, Heritage & Local Government).

Chapter 11 (Interiors) of the Architectural Protection Guidelines highlights that the interior of any protected structure is of primary importance: *although the interiors of many protected structures are not accessible to the general public, they may nonetheless be essential to the character and special interest of the building and are therefore protected.* No. 42H Palmerston Road is a period suburban dwelling house. It is considered that the continuity of the use of the protected structure as a family home is intrinsic to the character of the structure and that works to enhance

residential amenity must be balanced with the requirements of its conservation designation. Section 11.2.19 (internal walls and partitions – consideration of proposals) of the Guidelines requires that the addition of internal insulation should only be permitted where this would not adversely affect important internal features of interest such as cornices, wall panelling, skirtings, window-cases and doorcases or decorative finishes.

'Energy Efficiency in Traditional Buildings' Section 3 (Upgrading the Building) advises that thermal insulation of traditional walls can only be considered in two ways: lining the interior of the wall or applying a new face to the exterior of the wall. It is noted that either of these actions can have a significant effect on both the character and the physical well-being of a historic building. In the instance of the proposed development the internal insulation of the exterior walls is proposed using a calcium silicate board. The advice series notes that in the context of a protected structure or within a conservation area planning permission will generally be required and works may not be appropriate: *Internally, there may be timber panelling, lath-and-plaster or lime plaster finishes, at times with decorative plasterwork embellishments such as cornices.* Any introduction of insulation will add to the wall dept reducing the size of the room. The impact of increasing the wall dept on the architectural features of a room can be significant resulting in the loss of plasterwork cornices, architraves, shutters and skirtings.

An Architectural Heritage Response (dated 20th February 2023) to the request by the Planning Authority for further information (July 2022), prepared by Historic Buildings Consultant, Old Bawn, Old Connaught, Bray, details *inter alia* conservation specifications and methodologies where interventions to the historic fabric are to be executed (submitted by way of further information on the 22/02/23). All conservation works are to be carried out in accordance with best practice including those works essential for the upgrading of 42H Palmerston Road to modern standards. It is noted that the concept of reversibility will also be an important element of the works.

In the specific matter of wall insulation, the Architectural Heritage Response states that the inner faces of the external walls are to be insulated with a calcium silicate insulation board. The board will be installed in accordance with the manufacturer's instructions. The installation of the board will protect the plasterwork by fitting a picture rail toward the top of the board and above this level by tapering the board

back leaving the cornices intact – *there will be no interference with the cornices* (diagrams showing in yellow lines the location of the cornices on the principal floors are included on Page 9 and Page 13 of the Architectural Heritage Response).

In the instance of the proposed development, the rooms illustrated in the photographic inventory (Architectural Heritage Impact Assessment dated 04/07/22 submitted with the planning application and further clarified by the Architectural Heritage Response dated 20/02/23) are relatively plain with simple cornicing. The advice series notes that a plain room with no cornice and minimal joinery may be easier to insulate but requires careful consideration in relation to maintaining the breathability of the building fabric. The advice services cautions that modifications to traditional walls should ensure that the breathability and flexibility of the structure are maintained:

As well as the aesthetic and architectural conservation considerations, there are other potential difficulties in lining the interior of existing walls. Unlined masonry walls benefit from interior heat that keeps them dry. When the walls are lined, moisture ingress from the exterior and low external temperatures may result in a problematic build-up of moisture within the original building fabric. There is also a possibility that condensation may occur between the insulation and the wall fabric, resulting in further moisture build up.

In order for moisture in the walls to dry out, any new lining should be as breathable as the wall itself. The addition of insulation to the interior also alters the ability of the building to moderate temperature through its thermal mass. If an interior is to be thermally upgraded the insulation should be applied to every surface, including small areas like window reveals and the junctions between ceilings and floors above. The works should avoid any possibility of thermal bridging which could result in mould growth. It is noted that the advice series cautions that this may be hard to achieve, expensive, and extremely disruptive to the historic interior and is unlikely to be permitted in a protected structure. The Dublin City Council conservation officer states in her report (dated 24/02/2023) to the further information response (22/02/23) that no. 42H Palmerston Road (protected structure) retains its internal historic features and therefore the application of internal wall insulation is to be omitted.

The breathable qualities of the calcium silicate board is not identified in the appeal. I note with general reference to “calcium silicate board” it is used for indoor partitioning and ceiling because it is moisture proof and fire proof. Furthermore, If an interior is to be thermally upgraded the insulation should be applied to every surface in order to avoid thermal bridging. I am uncertain from the reading of the submitted documentation that thermal bridging can be avoided as the explanation detailing the application of the internal insulation of the external walls with the calcium silicate board states: *there will be no interference with the cornices* (the drawing submitted with the appeal statement, prepared by Tyler Owens Architects, shows the existing cornice and picture rail to be left in situ. clearly illustrating gaps in the insulation). On balance given the grounds of appeal, the information contained in the Architectural Heritage Response (dated 20/02/23 and submitted by way of further information 22/02/23), the Department of Environment, Heritage and Local Government guidance in the matter of interior wall insulation and the exclusion of protected structures from Building Regulations Technical Guidance Document L2020 (conservation of fuel & energy – dwellings), I consider that Condition number 5(iv) should be retained.

7.7. In conclusion, I consider on balance that the rear extension, as amended by way of further information on the 22/02/23, would respect the amenities of adjoining property in terms of light and privacy, would not negatively impact on the setting of the protected structure within this residential conservation area (subject to the submission of the detail of the material finish to the Planning Authority which is provided for in Condition 5(a) (ii) of the permission) and would be in accordance with Policy Objective BHA2 (development of protected structures) of the Dublin City Development Plan 2022-2028. I conclude that the requirement to minimise the number of projecting elements and simplify the elevational treatment of the extension to ensure it does not adversely detract from aesthetic amenity of the rear elevation is unwarranted. Therefore, Condition number 3 should be amended and Condition number 5 (a) (i) should be omitted from the permission.

I further conclude that Condition 3 and Condition 5 (a) (iv) should be retained.

7.8. **Appropriate Assessment Screening**

The proposed development comprises an extension and ancillary works to a dwelling house 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. For the reasons and considerations set out below, I recommend the revision of Condition number 4 and the omission of Condition number 5 (a) (i). I recommend that Condition number 3 and Condition number 5 (a) (iv) should be retained.

9.0 Reasons and Considerations

Having regard to the residential zoning objective and the pattern of development in the area, including the established extension of dwelling houses to the rear, the grounds of appeal including the reduced scale, footprint, height and massing of the proposed rear / side extension and its contemporary design, as amended by way of a response to further information submitted to the Planning Authority on the 22/02/2023, it is considered that the development is a reasonable improvement of the accommodation on site, would not negatively impact on the protected structure and its setting (consistent with Policy BHA2 – development of protected structures), and would otherwise accord with the proper planning and sustainable development of the area.

10.0 Conditions

4.	Prior to the commencement of development the applicant is requested to submit for the written agreement of the Planning Authority revised drawings providing a redesign of the 5.2m long bay window to the dining area in order to achieve a more transparent and simplified bay window structure, so as to allow reducing the impact on the rear reception room. Reason: In the interest of the proper planning and sustainable development of the area.
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"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

29th June 2023