



An
Bord
Pleanála

Inspector's Report

ABP-318049-23

Development	Amendment to the previously granted D22A/0460 for works to three storey over basement dwelling and all associated conservation and repair work, drainage, landscaping and site works. Protected structure.
Location	2 Ardenza Terrace, Monkstown, Blackrock, Co. Dublin, A94 Y6F3.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0437
Applicant(s)	John O'Brien & Olwyn De Loughry
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John O'Brien & Olwyn De Loughry
Observer(s)	N/A

Date of Site Inspection

22nd April 2024

Inspector

Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.064 ha at no. 2 Ardenza Terrace, Monkstown, Blackrock. The site is located in an established suburban area between the seaside towns of Monkstown and Blackrock, adjacent to the Seapoint train station within the Local Authority area of Dún Laoghaire Rathdown County Council. The site itself currently consists of a terraced 3 storey, above basement, 1850s dwelling, which is part of a row of matching terraced dwellings that are protected structures, including a 2 storey pitched roof return with a modern single storey flat roof extension to the rear.
- 1.1.2. The site is bounded to the south by Seapoint Avenue (N31), to the east by no.1 Ardenza Terrace, to the north by Ardenza Terrace roadway and to the west by no.3 Ardenza Terrace. The site enjoys seafront views of Dublin Bay at its front elevations, overlooking the DART railway line and Seapoint train station. The site is primarily accessed to the front but does include a private pedestrian access to the rear from Seapoint Avenue.

2.0 Proposed Development

- 2.1.1. The proposed development involves amendments to the previously granted D22A/0460, and is described as follows:
- Construction of a single storey, double height glazed extension (4sqm), to the rear elevation at basement level, with clerestorey roof light setback from the gable of the existing 2 storey return.
 - Rear elevation changes at basement, ground floor and first floor return including:
 - Removal and widening of the existing access door at basement level to include a new access door to a reduced outdoor courtyard area at basement level;
 - Removal of ground floor window to the side of the existing rear return and retention of the window sill and ope;

- Removal of existing stepped access from basement level to ground floor level and replacement with a glass balustrade at ground floor level atop a rendered wall enclosing the space at basement level, creating a Juliet balcony from the extended family room looking down to the space at basement level;
 - Removal and external blocking up of the first-floor family bathroom window which is internally blocked¹; and
 - Retention of the ground floor dining room window and first-floor bedroom window.
- Windows and door frames to front elevation to be painted black.
 - All associated conservation and repair work, drainage, landscaping and site works.

2.1.2. The application is accompanied by:

- An Architectural Heritage Impact Statement (AHIS).
- Drainage Plan.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was REFUSED by the Planning Authority on the 23rd August 2023 for the following reasons:

- Would detract from the character and appearance of the protected structure and would render the property inconsistent with neighbouring properties, thereby eroding and adversely impacting the character, setting and appearance of the terrace of dwellings which are all protected structures.
- Would negatively impact on the built form of the terrace as a whole and would contravene Policy HER8 and Section 12.11.2.1 of the County Development Plan.

¹ I note that the granite sill is proposed to be retained for reuse in the landscaping of the site.

- The proposed development would also seriously injure the amenities and depreciate the value of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report dated 23rd August 2023 concluded that permission for the proposed development should be refused for the reasons set out above. The Planning Officer concluded that:

- The principle of the proposed development is acceptable within the context of the zoning for the site.
- The proposed amendments contain minimal changes to what was previously omitted by way of condition.
- The proposed amendments contradict the conditions and reasons of the permitted development D22A/0460.
- The amended design of the proposed extension would be incongruous with the adjoining properties of Ardenza Terrace.
- Works included in the proposed development such as infilling of the basement to the rear and the painting of window frames and doors to the front have not been undertaken elsewhere along the terrace.
- The proposed development would set a negative precedent with regard to the visual amenity of protected structures.

3.2.3. Other Technical Reports

3.2.4. Conservation Department – The Conservation Department issued a report recommending refusal of permission on the grounds of non-compliance with Policy Objective HER8 and Section 12.11.2.1 of the County Development Plan, and an adverse effect on the character and setting of a group of Protected Structures.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. None received.

4.0 Planning History

Subject Site:

4.1.1. D22A/0460 – Permission GRANTED for demolition of single storey extension at ground floor level to the rear elevation; Construction of a new single storey extension at ground floor level to the rear elevation; Rear elevation changes as well as refurbishment and internal amendments to the ground and first floor level; All associated conservation and repair work, drainage, landscaping and site works on the 29th September 2022. Condition no.2 of this permission omits the rear extension element over the basement courtyard, the full height glazed screen door element linking the games room to the new extension and the double height glazed clerestorey rooflight.

4.1.2. D16A/0434 – Permission GRANTED for Construction of a new external staircase and pedestrian gate to front light-well from ground level to basement; construction of a single storey extension (11.3 sqm) and canopy to the ground floor rear return; construction of a new conservation roof-light in the two storey over basement return to the rear; refurbishment works to the roof and rear elevation changes as well as refurbishment and internal amendments to the existing dwelling on all levels; all associated conversation and repair work, drainage, landscaping and site works. And permission REFUSED for construction of a new vehicular entrance gate in the rear garden on the boundary wall to Seapoint Avenue on the 16th November 2016 on the grounds of non-conformity with national guidelines and Policy ST26 of the County Development Plan which protect all National Roads from new frontage access.

Neighbouring Sites of relevance:

4.1.3. D17A/0266 – Permission GRANTED on the 29th June 2017 for the formation of new opening at basement level in front area way; insertion of new door & frame, formation of new gate at footpath using section of modern 1995 mild steel railings with cast iron finials; new painted external metal stairs and handrail from footpath

level to basement area way level, new paving and minor internal and external repairs at no.1 Ardenza Terrace.

- 4.1.4. D99B/1031 (ABP Ref. PL06D.120690) – Permission GRANTED on the 1st February 2001 for single storey conservatory at basement level to rear, and retention of garden shed at no. 3 Ardenza Terrace.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Local Authorities

- 5.1.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed development of a protected structure:

- Promote the consideration of the potential impact of proposed development on the character of the protected structure.
- Consider the impact of cumulative extensions on the special interest of a structure.
- Encourage the smallest possible loss of historic fabric and ensure that historic features are not obscured, damaged or destroyed if permitting extensions to protected structures.
- Consider whether partial demolition of a protected structure would impact the special interest of the whole structure i.e. whether or not the part of the structure proposed to be demolished is original to the structure.
- Partial demolition of a protected structure may be permitted where it does not adversely affect the structure.
- Avoid adversely affecting the principle elevations of the protected structure.
- Extensions should complement the original structure in terms of scale, materials and detailed design.
- Consider carefully any proposed extensions to the rear of protected structures in urban areas, as rear elevations can contain fabric that is useful in reading the history of the protected structure.

- The visual impact of an extension from a distance should be considered.
- Assess the reversibility of proposals to allow for the future correction of unforeseen problems without causing damage to the structure.

5.2. Dun Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Record of Protected Structures (RPS) No.278 – 2 Ardenza Terrace (including RPS 267, 271, 272, 273, 275, 276, 277 on the same terrace).
- Policy Objective HER8: Work to Protected Structures –
 - Protect from negative impact on special character and appearance;
 - Have regard to guidelines detailed in section 5.1 of this report;
 - Ensure sensitive siting and design of extensions with respect to scale, mass, height, density, layout, and materials;
 - Ensure that new and adapted uses are compatible with the character and special interest of the protected structure;
 - Ensure the retention of the form and structural integrity of the building.
- Chapter 12 Development Management: Section 12.11.2.1 Works to a Protected Structure – ‘all new work should relate sensitively to the fabric, scale, proportions, and design of the Protected Structure.... New additions/extensions should respect the significance of the building/structure, through consideration of its siting, bulk, form, scale, character, colour, textures and material.... Appropriately scaled extensions should complement, and be subsidiary to, the main structure be positioned generally to the rear elevation or less prominent elevation’.

5.3. Natural Heritage Designations

5.3.1. The following sites are located in the surrounding area of the proposed development:

Proposed Natural Heritage Area (pNHA):

- South Dublin Bay (000210) - approx. 76.6m
- Booterstown Marsh (001205) – approx. 2.3km.
- Dalkey Coastal Zone and Killiney Hill (001206) - approx. 2.5km.
- Fitzsimons Wood proposed Natural Heritage Area (001753) - approx. 5.5km.

Special Protection Area (SPA):

- South Dublin Bay and River Tolka Estuary (004024) – approx. 67.8m
- Dalkey Islands (004172) – approx. 5.2km.

Special Area of Conservation (SAC):

- South Dublin Bay (000210) – approx. 67.8m
- Rockabill to Dalkey Island (003000) – approx. 5.4km.

Biosphere Reserve:

- Dublin Bay Biosphere Reserve – approx. 63.3m.

5.4. EIA Screening

- 5.4.1. The proposed development does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning & Development Regulations 2001, as amended, therefore no preliminary screening or EIA is required (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by John O'Brien & Olwyn De Loughry, on the 18th September 2023 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The painting black of windows and doorframes of the front elevation represents a contemporary approach to subtly, but distinctively alter the

external expression of the front elevation. This is increasingly evident in residential development, including historic properties.

- The painting approach draws from the simplicity of the existing dwelling's black and white colours.
- Precedent examples of similar painting approaches are cited at Nos. 32-34 Harcourt Street and Nos. 2 & 9 Clifton Terrace, which do not detrimentally impact the subject properties or neighbouring properties.
- Illustrations are provided to demonstrate that the proposed painting is restrained in its nature and limited to the window and door frames. It does not include the external window detail such as the sill, trim, frieze board, crown moulding, cap or other decorative aspects.
- Whilst the proposed painting approach will differ to the other dwellings of the terrace, it will not negatively impact the overall consistency of the terrace given that the dwellings already differ in their main paint colours.
- The proposed painting approach is a superficial undertaking which does not require significant physical intervention and can be easily reversible at a later date.
- The proposed works at basement level do not represent 'infilling' but rather repurposes and encloses the external basement space in a respectful manner that ensures the basement level itself is retained, creating an atrium effect.
- The proposed works at basement level represent the integration, connection and internalisation of the rear basement level area with the rear extension.
- Precedent exists for basement level development at no. 3 Ardenza Terrace.
- The proposed basement level works are of a high design aesthetic and contemporary design, with longer-term intention respecting the existing Roman cement and render.
- The Planning Authority's determination with regard to precedent for the works at basement level is overly simplistic and restrictive.
- The primary elevation of the site faces northwards overlooking Dublin Bay. The rear elevation does not acutely contribute to the streetscape or the public

realm, even along Seapoint Avenue due to its separation from the street edge and the presence of high rear boundary walls and planting.

- Aerial imagery is cited as showing a variation of designs to the rear of dwellings at Ardenza Terrace. This shows that it is inaccurate to determine that the proposed development would be incongruous or inconsistent with the rest of the terrace.
- The proposed development will be effectively screened by the previously permitted rear extension and the rear boundary treatment, thereby mitigating the basic assertions and concerns of the Planning Authority.
- Precedent development at no.1 Tobernea Terrace is cited as an example of rear external basement/lower ground floor level area internalisation. This site has similar design principles to the subject site in terms of original symmetry, location and protected structure status.
- The north facing front elevation is of greater importance than the south facing rear elevation which is secondary to the original design intent of the terrace. This is supported by the Board's previous determination on the rear extension to no.3 Ardenza Terrace.
- The only material difference between the proposed development and the development granted under D22A/0460 is the minor increase in height to accommodate the clerestorey rooflight.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the Planning Authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Character & Setting of the Protected Structure.

7.2. Character & Setting of the Protected Structure

7.2.1. The proposed amendments represent a further cumulative extension to the rear of a protected structure located on a terrace of 8 no. dwellings which are also protected structures. Many of the dwellings on the terrace have constructed single storey extensions to the rear, with 1 no. neighbouring dwelling including a single storey conservatory extension to the rear at basement level with a roof covering below the sill of the rear window at ground floor level which is of a lesser height and scale than the proposed development. Notwithstanding the cumulative element of the proposed amendments, the proposed development is located to the rear of the protected structure, which appears to be of lesser importance to the character of the protected structure than the front elevation which is fully exposed and largely unaltered. In addition, the existing modern single storey extension to the rear, along with the permitted rear extension under D22A/0460, allows for the proposed development to be sufficiently screened from sight, except for the clerestorey rooflight element. I therefore do not consider that the proposed development would adversely impact the character and setting of the protected structure. Visual impacts are further considered in Sections 7.2.3, 7.2.4 and 7.2.5 of this report.

7.2.2. Given that the proposed development involves the demolition of part of a protected structure i.e. widening of the opening of the double doors to the rear at basement level (WB.02) and the removal of windows at ground and first floor level to the rear (WG.02 & WF.02), I am obliged under Section 57(10)(a) of the Planning & Development Act 2000 (as amended) to have regard to the protected status of the structure in assessing the proposed development. I have considered the effect of the removal of elements of the fabric of the structure in light of the Architectural Guidelines which emphasises the importance of the rear of protected structures in

reading the history of the structure, however, this has not been raised as a specific issue in the Conservation Department's commentary on the structure or in the appellant's AHIS. In addition, I conclude that the front elevation of the protected structure represents the defining characteristics of the protected structure, as argued in the appellant's AHIS. Given that the development is proposed to the rear of the protected structure at basement level and the minor nature of the proposed demolition, I am satisfied that the protected status of the structure will not be adversely affected by the proposed partial demolition to the rear of the structure.

7.2.3. With regard to the scale, materials and detailed design of the proposed development, I am satisfied that the materials and design respect the character and appearance of the protected structure whilst complementing the existing and permitted modern single storey extensions. The height and scale of the proposed development, however, does not complement the protected structure by way of the proposed clerestorey rooflight which protrudes above the single storey extension roofline, thereby visually exposing this element of the proposed development, particularly from Alma Road which slopes down towards Seapoint Avenue to the rear of the terrace. Although the clerestorey rooflight has been setback from the building line of the rear return, the width of the rooflight has been extended to compensate for this. This increases the scale and mass of the rooflight which will fully cover the existing ground floor rear window (WG.01), thereby setting an undesirable precedent for the obscuring of the above ground rear fenestration of this protected structure and the wider protected terrace. Notwithstanding the fact that I am of the view that the rear elevation of this terrace is of lesser architectural significance than the front elevations, in light of its protected structure status, I am of the opinion that the proposed obscuring of the above ground rear fenestration will serve to disturb the uniform nature of the protected terrace of dwellings to the rear, which I consider to be characterised by the existing rear fenestration, rendering the dwelling inconsistent with neighbouring dwellings and insensitive to the scale and proportions of the terrace of protected structures.

7.2.4. I consider the principle of the basement infilling element to the rear to be acceptable as I do not believe that infilling to the rear will compromise the character and appearance of the protected structure. Rather, I consider the scale, height and mass of the basement infilling to be unacceptable, as discussed above. I am in agreement

with the Planning Authority on the definition of the proposed development as infilling of the basement as they include a permanent roof element, dividing wall and glazing thereby enclosing the majority of the existing rear basement area.

- 7.2.5. With regard to the painting of windows to the front elevation of the protected structure, the appellant has not considered the impacts of this in their AHIS and has stated that the front elevations of the protected structure represent high quality architecture. In justifying this element of the proposed development, the appellant has referenced the minor nature and reversibility of the painting of the door and window frames, however, I do not consider this sufficient to justify approval of these works, in light of the concerns of the Planning Authority on this matter. I consider the front elevation to be highly visible and prominently placed atop a sloped area overlooking Dublin Bay. This level of existing visual exposure presents a high bar for development to the front elevations, with regard to the preservation of the character and setting of the protected structure. I am therefore in agreement with the Planning Authority that the proposed works to the front elevation would detract from the character and appearance of the protected structure and the terrace as a whole and would be inconsistent with existing neighbouring properties.

7.3. Conclusion

- 7.3.1. Having regard to the foregoing, I am of the opinion that the scale, mass and height of the proposed development does not respect the character and setting of the protected structure or the wider protected terrace. I am therefore of the view that the proposed development is not in accordance with the provisions of the County Development Plan, particularly Policy Objective HER8 and Section 12.11.2.1, and the Architectural Heritage Protection Guidelines, and will result in an incongruent development that would be inconsistent with neighbouring dwellings on this protected terrace.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The subject site is located between the seaside towns of Monkstown and Blackrock, adjacent to the Seapoint train station within 67m of the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

The proposed development comprises amendments to the previously granted D22A/0460 for works to three storey over basement dwelling and all associated conservation and repair work, drainage, landscaping and site works.

No nature conservation concerns were raised in the planning appeal.

8.1.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small-scale nature of the proposed development in a serviced suburban area.
- Although the site is located adjacent to the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC (c.67m), the location of the proposed development is well removed from the European sites due to the location of the construction works to the rear of the dwelling which creates a buffer of the existing dwelling and railway line between the site and the European sites.
- The Planning Authority determined, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

8.1.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the protected structure status of this building which comprises part of a terrace of dwellings of which are all protected structures, it is considered that the proposed works and painting would, by virtue of their scale, height and inconsistency, have a detrimental impact on the essential qualities of this structure, thereby materially affecting its character and would not be in accordance with Policy Objective HER8 and Section 12.11.2.1, relating to works to protected structures, of the Dún-Laoghaire Rathdown County Development Plan 2022-2028, and would be incongruous with the design, form and proportions of neighbouring dwellings on the protected terrace. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Conor Crowther
Planning Inspector

16th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318049-23			
Proposed Development Summary	Amendment to the previously granted D22A/0460 for works to three storey over basement dwelling and all associated conservation and repair work, drainage, landscaping and site works. Protected structure.			
Development Address	2 Ardenza Terrace, Monkstown, Blackrock, Co. Dublin, A94 Y6F3.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	✓	N/A	Class of development relates to a 'house' or 'dwelling unit'. Extension/modification to an individual house/	No EIAR or Preliminary Examination required

			dwelling is not a class or type.	
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Conor Crowther Date: 16th May 2024