



An
Bord
Pleanála

Inspector's Report

ABP 318354-23

Development	Renovations and alterations to a 4-storey house which is a protected structure
Location	14 Vesey Place, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D23A/0523
Applicant(s)	Aine Mannion and Brian Gavin
Type of Application	Permission
Planning Authority Decision	Split decision
Type of Appeal	First Party v Decision to refuse
Appellant(s)	Aine Mannion and Brian Gavin
Observer(s)	none
Date of Site Inspection	11 th January 2024
Inspector	Brendan McGrath

1.0 Site Location and Description

- 1.1. The site is a mid-terrace house in a Victorian terrace in the Dublin suburb of Dún Laoghaire. Two north-facing terraces, built in the mid-nineteenth century, overlook a wooded public park. Original and more recent mews development has been built to the rear of the terraces. The two terraces dominate the attractive streetscape of Vesey Place. The well maintained facades with largely intact fenestration and their front gardens and railings largely define the attractive character of the street. To the rear of the terraces elevations and garden spaces are much altered. Number 14 was used as a school for a number of years (1978-1985) and was latterly sub-divided into 3 dwellings.

2.0 Proposed Development

- 2.1. The house was acquired by the applicants in 2022 and is intended for use as a family home. The current proposal arises out of a previous application in 2023 (reg. ref. D23A/0321) for renovation and alteration works which was granted permission but with problematical conditions attached.
- 2.2. The proposed development, the subject of the current application, comprises:-
- at ground floor level, conversion of a non-original bay window to a window with door leading to metal deck and steps to rear garden, and
 - at first floor level, removal of kitchen and intermediate partitioning and reopening partition between reception rooms
- 2.3. The totality of the development permitted under the previous application and now proposed, is a house, comprising:-
- At ground floor level, a living room and kitchen with a door and direct access to a rear garden,
 - At first floor level, two bedrooms, one en-suite, with non-original window to rear replaced by window matching neighbours' window,

- At third floor, three bedrooms, bathroom and shower room and non-original window to rear replaced by window matching neighbours'
- At basement level a reconfigured, 1-bedroom flat with revised front access (granted under reg.ref. D23A/0321)

The conservation report describes the building interior and the front façade as substantially intact, except at basement level.

3.0 Planning Authority Decision

3.1. Decision

Split decision

Grant permission for first floor works subject to 5 conditions of a standard nature and Refuse permission for doorway and bridge to rear garden because the existing bay window feature enhances the expression and character of the rear elevation and the proposal would therefore be contrary to conservation policies of the Dun Laoghaire - Rathdown County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis of the planning authority decision. In respect of the split decision recommendations the report endorses the recommendations set out in the conservation officer's

3.2.2. Other Technical Reports

3.2.3. Conservation Officers Memorandum

The memorandum references the fact that the proposal relates to a protected structure (RPS 809) which is in the De Vesce Terrace and Gardens, Willowbank and Vesey Place Architectural Conservation Area (ACA) and is therefore subject to relevant building conservation objectives and guidance in the development plan and to the relevant sections of the Architectural Heritage Guidelines (DEHLG,2004)

3.3. Prescribed Bodies

No reports received

3.4. Third Party Observations

None

4.0 Planning History

D23A/ 0321 Grant of planning permission to the current applicants for renovation and extension works

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

- Zoned A- to provide residential development and improve residential amenity while protecting the existing residential amenities
- Dwelling is a protected structure (RPS no 824)
- Within Vesci Place, De Vesci Tce. and Willow Bank ACA
- Relevant Chapters of Written Statement: Ch 11- Heritage and Conservation, and Ch 12- Development Management

5.2. Natural Heritage Designations

None relevant

5.3. EIA Screening

Not a class of development requiring EIA screening

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are against the decision to refuse permission

- The proposal facilitates the use of the building as a family home.

- The proposal is in accordance with the Architectural Heritage Protection Guidelines.
- The appeal includes a revised detailing of the proposed bay-window doorway so that it more closely resembles the existing window, by substituting timber detailing for glass at the bottom of the door.

6.2. Planning Authority Response

The planning authority refers back to its original planner's report

6.3. Observations

None

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment (AA) also has to be considered. The main issues, therefore, are:-

- Architectural Heritage, having regard to the designation of the building as a Protected Structure and of its location within an Architectural Conservation Area and adherence to the Architectural Heritage Protection Guidelines
- Residential Amenity, and
- Appropriate Assessment (AA).

7.2. The Architectural Heritage Protection Guidelines set out conservation principles. They include the following in paragraph 7.2.2:-

'Entry into the Record of Protected Structure does not mean that a structure is forever frozen in time. Good conservation practice allows a structure to evolve and adapt to meet changing needs while retaining its particular significance. The challenge facing owners, planning authorities and all others involved in architectural conservation is to identify how and where change can

occur and to ensure that the heritage is not damaged by inappropriate intervention.'

I consider this statement to encapsulate the required approach to this development in Vesey Place.

7.3. While the front of the terrace is substantially intact, the rear is much altered, including the rear elevations of the immediately adjacent properties. It is therefore unreasonable, in my opinion, to require an overly prescriptive treatment of the rear bay window. This is particularly the case when there is a good design case for directly connecting kitchen and garden, and therefore ensuring all the main activity spaces of the house (living room, kitchen and garden) are conveniently inter-connected. In my opinion, therefore, the proposed design for both ground and first floor levels represents a sensitive but effective reversion of the house to its original function as a family home. Appropriate Assessment (AA) must be considered but does not arise, given the nature of the proposal.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions

9.0 Reasons and Considerations

Having regard to the zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2022-2028 to provide for residential development and to protect residential amenity, the location within the Vesci Place, De Vesci Tce. and Willow Bank Architectural Conservation Area, its designation as a Protected Structure, and the revised Architectural Heritage Protection Guidelines for planning authorities (DAHG, 2011), it is considered that the proposed development would not damage architectural heritage, would protect residential amenity and is in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 7th.day of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.</p> <p>(b) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of</p>

	<p>surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.</p> <p>(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.</p> <p>Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
3	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Brendan McGrath
Planning Inspector

30th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 318354-23		
Proposed Development Summary	Renovations and alterations to a 4-storey house which is a protected structure		
Development Address	14 Vesey Place, Dun Laoghaire, Co. Dublin		
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	X		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	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____**Date:** _____