



An
Bord
Pleanála

Inspector's Report ABP-318593-23

Development	Protected Structure: Demolition of extensions, internal alterations to buildings, construction of extensions to create dwelling to increase to 3 dwellings on site with all associated site works.
Location	1 Waterloo Road & 1A Flemings Place, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3869/23
Applicant(s)	Waterloo Road Ventures Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant permission w Conditions
Type of Appeal	First Party Appeal v Condition Third Party Appeal v Decision
Appellant(s)	Waterloo Road Ventures Limited (1 st Party) Philip O'Reilly (3 rd Party)
Observer(s)	Pembroke Road Association
Date of Site Inspection	23 rd September 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site address is No. 1 Waterloo Road and No. 1A Fleming's Place, Dublin 4. No. 1 Waterloo Road is a protected structure. No. 1A Fleming's Place was formerly the coach house of No. 1 Waterloo Road. Vehicular access is from Fleming's Place. Both No. 1 and No. 1A are vacant and in a poor state of repair.
- 1.2. No. 1 Waterloo Road comprises a 3-storey, Victorian-era, end of terrace dwelling. It has a garden to the front and a large garden to the rear. It has non-original rear and side extensions.
- 1.3. No. 1A Fleming's Place comprises a 2-storey dwelling. It has non-original extensions to the sides.
- 1.4. Fleming's Place is to the north. Waterloo Road is to the east. No. 3 Waterloo Road is to the south. The remainder of the No. 1 Waterloo Road rear garden is to the west.

2.0 Proposed Development

- 2.1. The proposed development as revised at further information generally comprises:
 - Demolition of c.1960's extensions to rear of No. 1 Waterloo Road and side of No. 1A Fleming's Place;
 - Reconfiguration, alteration, and refurbishment of both buildings. Construction of ground-floor rear and ground-, first- and second-floor side extensions to No. 1 Waterloo Road. Construction of ground-floor rear, and ground- and first-floor side extensions to No. 1A Fleming's Place. Sub-division of site to create one new dwelling (from subdivision of No. 1 Waterloo Road) to give a total of 3 no. dwellings on the site.
 - Vehicle access from Fleming's Place and parking to the front of No. 1 Waterloo Road is proposed
- 2.2. The application notices refer to creation of No. 1A Fleming's Place, and No's. 1 and 1A Waterloo Road, however the application documents refer to Units 1, 2 and 3. Units 1 and 2 are in the main house and Unit 3 is the former coach house.
- 2.3. The first party appeal includes revised proposals for the proposed ground floor rear extension to No. 1A Fleming's Place.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification to Grant permission subject to Conditions. I note in particular the following:

- Condition 3: *“The development shall be revised as follows:*

(a) The proposed detached bike store located in the front garden shall be omitted. Bicycle storage for Unit no. 1 shall be located in the storage room under the front stairs as originally proposed.

(b) The single storey element of the extension to Unit 2, containing the living room, shall be omitted.

(c) The applicant shall revised the proposed front garden landscape plan. Car parking shall be limited to the north end of the front garden, retaining maximum amount of soft landscaping to the front garden of the Protected Structure. The mature tree to the northeast corner of the garden shall be retained. The continuing of the parking across the front elevation, to allow a parking space in front of Unit 1 shall not be permitted.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority.

Reason: In the interest of orderly development and residential amenity.”

- Condition 5: Opaque glazing for bathroom windows for units 1, 2 and 3.
- Condition 6: Confirmation of materials, finishes and design details;
- Condition 7(c): A maximum of one car parking space per dwelling is permitted.

3.2. Planning Authority Reports

3.2.1. Planning report: In considering the application the planning authority sought further information in relation to a range of items, including the relationship to the concurrent adjacent application (Ref. 3711/23); drawings; layout and residential amenity; height, scale & massing; and conservation impacts. The planning authority report in

response to further information recommended permission be granted and made the following points:

- Proposed omission of unit 1 and coach house rear terraces is appropriate.
- Proposed omission of extension at the car parking area and the glazed link to the rear of Unit 2 is welcome. The Unit 2 single-storey rear ground-floor extension with the rear extension to the coach house, will compromise the coach house rear elevation. Report states a preference for omission of the extension (Condition. 3);
- The bicycle storage in the front garden should be under the main house access steps. This should be conditioned;
- Proposed zinc cladding to the upper floor of the extension to No. 1A Fleming's Place is acceptable. Proposal is acceptable subject to glazing/materials conditions;
- Proposed revision to red line boundary is acceptable;
- Report states that returning the structure to its original use is positive. The interventions are minimal in nature. The revised proposal is a more appropriate response to the protected structure, will respect its primacy, and provide greater residential amenity.

Other Technical Reports

- 3.2.2. Conservation Officer: Report in response to further information stated revisions made at further information stage, including in relation to materials, are generally acceptable subject to conditions. Report recommended omission of external bicycle storage; omission of single storey element to rear/garden facing element of coach house; confirmation of materials, finishes, glazing, details of works, and revisions to landscaping. Report recommended permission be granted subject to a detailed condition in relation to heritage conservation (Condition No. 6 of planning authority notification of decision).
- 3.2.3. Roads Planning: The report in response to further information stated no objection subject to conditions. Regarding parking, report states that 1 no. car parking space for each of units no. 2 and 3 is acceptable, but that the 2 no. spaces for unit no. 1 is not, and that this can be addressed by condition. Report recommended conditions in

relation to construction management, public lighting, driveway entrance width and number of parking spaces, footpath dishing, costs and codes of practice.

- 3.2.4. Drainage: Report stated no objection subject to conditions in relation to codes of practice, separation of sewers, incorporation of sustainable drainage systems and location of private drainage within the site boundaries.

3.3. **Third Party Observations**

- 3.3.1. During the planning application stage 3 no. observations were received by the planning authority. The issues raised related to: design quality; visual impact; form, scale, height and proportions; impact on character and setting of protected structure; the subdivision; materials and fenestration; parking; roof profile; building line; overlooking; landscaping; tree, and; that there should not be two separate applications at the site. One observation welcomed the houses being updated.

3.4. **Prescribed Bodies**

None received.

4.0 **Planning History**

4.1. Subject site

None relevant.

4.2. Nearby sites:

Reg. Ref. 3711/23 (ABP-318564-23): Planning authority decision to refuse permission in 2023 at **No. 1 Waterloo Road** and No. 1A Fleming's Place for demolition of two sheds, a garage, and walls within the site, and creation of 7 no. accesses from Waterloo Lane through the existing boundary walls, and construction of a terrace of 7 no. dwellings. Each dwelling would be 3-storeys, with on-site parking to the front and a garden to the rear. Decision **currently on appeal**. This proposal is located on the remainder of the rear garden of No. 1 Waterloo Road.

Reg. Ref. 3272/18 (ABP-303178-23): Planning permission granted by the Board in April 2019 to the rear of the Waterloo Exchange at the corner of Waterloo Road and Fleming's Place for partial demolition of existing car park structure and construction of office building ranging between 1 and 5 storeys above basement level.

Reg. Ref. 4389/17: Planning permission granted by the planning authority in 2018 at No. 3 Waterloo Road (protected structure) for reversion of basement flat to use of main dwelling, single-storey extension to the semi-basement level, and alterations.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'Z2 Residential Neighbourhoods (Conservation Area) in the 2022-2028 Dublin City Development Plan, the land use zoning objective for which is "To protect and/or improve the amenities of residential conservation areas". Note in particular the following development plan provisions:

Section 8.5.7 Car Parking. Policy SMT27 Car Parking in Residential and Mixed Use Developments. Table 2 Maximum Car Parking Standards for Various Land Uses.

Chapter 11 Built Heritage and Archaeology incl. Policies BHA2 Development of Protected Structures, BHA11 Rehabilitation and Reuse of Existing Older Buildings, BHA14 Mews, and BHA24 Reuse and Refurbishment of Historic Buildings.

Sections 14.4 'Zoning Objectives and Reuse / Redevelopment of Protected Structures' and 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2.

Sections 15.4 Key Design Principles, incl. Sections 15.5.7 Materials and Finishes, 15.11 House Developments, 15.13.5 Mews and 15.15.2 Built Heritage.

Appendix 5 Transport and Mobility: Technical Requirements including Section 4.0 Car Parking Standards, Section 4.3 Parking In Front Gardens, and Sections 4.3.7 Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas and 4.3.8 Mews Parking.

5.2. National guidelines and strategies

Sustainable Residential Development & Compact Settlements 2024, incl. Section 5.3.2, SPPR 2 Minimum Private Open Space Standards for Houses, SPPR 3 Car Parking, and Section 5.3.7 Daylight.

Architectural Heritage Protection Guidelines for Planning Authorities 2011, incl. Section 7.3.1 and 7.2.2.

Quality Housing for Sustainable Communities Best Practice Guidelines 2007.

5.3. Natural Heritage Designations

- 5.3.1. South Dublin Bay & River Tolka Estuary SPA and South Dublin Bay SAC are c.2.0km to the east

5.4. Environmental Impact Assessment screening

- 5.4.1. Having regard to the nature and scale of the proposed development of extensions, renovation and subdivision of the existing building, the location in a serviced area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Form 1 & 2 Appendix 1).

6.0 The Appeals

6.1. Grounds of First-Party Appeal

- 6.1.1. One first party appeal was received. The main points are summarised as follows:

- Condition 3(b): Appeal states the single storey extension required to be omitted is 15sqm and 3.4m high. It states the extension is appropriately separated from unit 3 and has no undue impact on residential amenity. Omission of this element will compromise the residential amenity of unit 2 by limiting the relationship between dwelling and garden. Appeal states that no concerns were raised by the planning authority at further information stage;

- Condition 3(c): Appeal states there is significant precedent for accommodating vehicular parking at the front of protected structures on Waterloo Road. The proposal would appear incongruous if parking is omitted from the front of unit 1;
- Parking provision: Appeal interprets Condition 3(c) as limiting car parking across the site to two car parking spaces to serve three dwellings. It states that 1 no. space per unit is the minimum needed for commercial viability. There is no electric vehicle charging on Waterloo Road so the loss of a parking space is a lost opportunity to support green energy;
- Parking layout: Appeal states the site is the only one on Waterloo Road where the original front boundary treatment will not be affected by modern works to accommodate car parking on-site. The planning authority aim in this regard appears to be retention of landscaping, which the proposal achieves;
- Summary: The planning authority gives no substantive basis for including Conditions 3(b) and 3(c). Appeal requests the Board to remove them under Section 139(1) of the Act;

Alternative design: The appeal sets out alternative design options, but reiterates the appellant's preference for the layout as submitted in response to further information. The options proposed are (a) the rear extension to No. 1A Fleming's Place be moved c.2m further away from No. 1 Waterloo Road, and (b) this change plus the extension moved further back from the garden boundary with unit 2. Appeal states these changes are to increase the separation distance between the buildings.

6.2. Grounds of Third-Party Appeal

6.2.1. One third party appeal was received. The main points are summarised as follows:

- Waterloo Road: Appeal states the proposal will be a disaster for Waterloo Road and should be refused. The traditional pitched roofs and brick / rendered facades must be continued in any development on Waterloo Road;
- Style & design: Everything is wrong with the proposal. A proper proposal for the site would extend the existing built terrace seamlessly and not present a box that despoils the character and setting of the terrace;

- Roof: Traditional roofs on the road are hipped and slated and this should be a requirement for any new building along the existing building line;
- Windows & doors: They should be of an appropriate scale in keeping with the traditional character, design and scale. There should be no windows at ground floor. All windows above ground floor should terminate with traditional sills and should be rectangular like the other houses on the road;
- Materials: All extensions should use traditional materials and be in harmony with the existing historic fabric. The traditional materials are brick render, and timber and there should be no deviation from this, including zinc. The lower-level brick element should be render;
- Character: Proposal will destroy the character, setting, visual amenity and homogeneity of this important road, the protected structure, and Z2 Residential Conservation area;
- Overdevelopment: Alongside the adjacent application at No. 1 Waterloo Road the proposal comprises overdevelopment.

6.3. First-Party Response to Third-Party Appeal

6.3.1. A first-party response to the third-party appeal was received. A summary of the main points is set out below:

- Third-party appeal should be dismissed: Response states the third-party appeal cites no conflict with the development plan. The appeal is without substance and foundation; based on appellant opinion; and serves to delay development. Points relating to the third-party appellant are set out;
- Design: Response states the proposal removes non-original extensions and replaces same with contemporary extensions. Proposal is representative of contemporary architecture. There is no development plan requirement for works to match existing architectural features or policy preventing the proposal from being approved. Proposal is the most appropriate means of developing the site to ensure the efficient use of land without unduly impacting the site or streetscape;
- Response requests an oral hearing if the Board do not dismiss the appeal.

6.4. Third-Party Response to First-Party Appeal

6.4.1. A third-party response to the first-party appeal was received. A summary of the main points is set out below:

- Private amenity space: Units 2 and 3 are too close. Unit 3 private amenity space is substandard;
- Residential amenity: The flat roof extension to unit 2 would impact residential amenity of unit 3. Unit 2 would provide deficient internal amenity for residents as the dining room is windowless and the kitchen / dining room would not provide an acceptable level of natural light. There is already a living area to the front so there is no need for this extension;
- Front garden: The front garden and boundary structures of No. 1 Waterloo Road should be preserved. The front boundary of No. 1A should be preserved. Off-street parking in the front garden will destroy its character. On-site parking has been refused in the area. Existing boundary features will be lost. No parking should be provided on the site;

6.5. Planning Authority Response

6.5.1. Planning authority response to appeal requests the Board uphold the planning authority decision, and that if permission is granted, standard conditions in relation to financial contributions and naming & numbering be applied.

6.6. Observations

6.6.1. One observation, from Pembroke Road Association, was received by the Board and is summarised as follows:

- Heritage: Waterloo Road was built in the mid-19th Century. It is an intact streetscape, part of Dublin's heritage, and deserves architectural conservation status. It is critical to stop further erosion of the streetscape. Any add-on to any terrace detracts from the integrity of the terrace. Nothing should be added or taken from any of the terraces in the area. This area is a tourist destination;

- Scale and design: The addition to No. 1 Waterloo Road is out of scale and proportion. Inserting a completely different style into an intact terrace detracts from the integrity of the terrace design. The proposal for No. 1A Fleming Place is out of scale and proportion. The existing design, materials, proportion and scale have been ignored;
- Subdivision: There is demand for intact houses in the area. There is no need for subdivision;
- Front garden: Removal of the front garden mound is deplorable and turns a distinctive feature into another dull, bland, corporate solution. The rear garden should be preserved;

7.0 **Assessment**

7.1. Having regard to the foregoing; having examined the application, appeals and planning authority reports; having inspected the area within and around the site; and having regard to relevant national guidelines and adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Design and architectural heritage;
- Residential amenity, including Condition 3 part (b);
- Parking, including Condition 3 part (c);
- Related matters raised in the course of the appeal.

Design and architectural heritage

7.2. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas). The site is not within an Architectural Conservation Area. I am satisfied the proposed residential development is acceptable in principle in this zone.

7.3. Regarding conservation and heritage, I have reviewed the submitted drawings and computer-generated images as well as the Design Statement by the applicant's architect (conservation Grade 3 accredited) and the Conservation Method Statement & Impact Assessment (prepared by a separate conservation architect). I have also reviewed the submitted Condition Survey, and the proposals for works to the roof, services, render repair, and railings. I have also reviewed the documentation

submitted in response to further information including the further Detailed Condition Survey of the Elevations and Roofs; Detailed condition survey reports of Both No. 1 Waterloo Road and No. 1A Fleming's Place, as well as reports on stonework, brickwork and pointing.

- 7.4. I have also reviewed the planning authority conservation officer reports. I broadly concur with the final report findings and recommendations.
- 7.5. Regarding use, Architectural Heritage Guidelines Section 7.3.1 states the best method of conserving a historic building is to keep it in active use, and that usually the original use for which a structure was built will be the most appropriate. I consider the proposal to develop the existing dwellings for family homes is welcome.
- 7.6. Regarding the third-party appellant and observer points on the overall design approach, national architectural heritage protection guidance and local policy do not require extensions to protected structures to continue the original design and style. In this regard, Section 7.2.2 of the Architectural Heritage Guidelines states that entry into the Record of Protected Structures does not mean a structure is forever frozen in time, and that good conservation practice allows a structure to evolve and adapt to meet changing needs while retaining its particular significance. It states that additions and other interventions should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure.
- 7.7. Regarding the third-party appellant points on the existing protected structure and the neighbouring protected structures along Waterloo Road, the existing buildings are not actually homogenous. The heights, elevations, and materials of the original buildings vary considerably. The subject site, alongside No. 3 Waterloo Road, are of a different height and elevational treatment to the rest of the terrace between Burlington Road and Fleming's Place, with the subject building being considerably wider. I also note the large, modern blocks in close proximity to the north.
- 7.8. Regarding height, form and scale, the proposed rear extension to No. 1 Waterloo Road is single storey. It would be significantly less in height and scale than the existing rear extensions and existing building overall, and would have minimal visibility from the public realm. The proposed side extension is below the eaves level of the main house, is set well back from the front elevation, and is the equivalent generally to one bay wide above ground floor level. The side extension is

comparable to the projection to the side of No. 19 Waterloo Road at the opposite end of the terrace. Overall, I consider the positioning, height, form and scale of the proposed extensions to No. 1 Waterloo Road are acceptable and ensure it will remain subordinate to the existing structure, and would not have a significant negative impact on the character or setting of the existing protected structure.

7.9. Regarding impacts on the historic fabric of the protected structure and its setting, I note further information in this regard was requested by the planning authority. In response to further information the conservation officer recommended permission be granted, subject to detailed conditions in relation to the protection and maximum retention of remaining historic fabric during works. I note the nature of the proposed works to the structures on site provides mainly for the removal and replacement of modern extensions, and involves some internal reconfiguration which would comprise the blocking up of some existing openings and provision of new partition walls. External refurbishment and landscaping is also proposed. Overall I am satisfied with the proposed development in this regard, subject to conditions similar to the detailed conditions in this regard attached by the planning authority.

7.10. In these regards the proposed extensions to No. 1A Fleming Place are at ground floor only at the rear, and at ground and first floor to the side. The rear ground floor extension would be much less in scale, form and height than the existing dwelling, and would largely be screened from the street by the existing building and boundary wall. The proposed side extension at ground floor would be screened by the boundary wall. I consider the proposed first-floor side element would be relatively prominent, however it would also be significantly less in height and scale than the existing dwelling. The external wall cladding is to be finished in a dark grey / charcoal coloured zinc which I consider will reduce its visual impact. I consider the proposed first-floor side extension would be sufficiently modest in height and scale, and would overall be an interesting and sympathetic addition to No. 1A and the wider site.

7.11. Regarding the proposed roofs, whilst the existing roof of No. 1 Waterloo Road is hipped, from ground level the parapet gives the appearance of a flat-roofed building. I also consider the simplicity of the proposed roof form and shape of the side extension to No. 1 Waterloo Road echoes the geometry of the existing structure and the other period buildings in the terrace. Regarding No. 1A, the roof of the proposed first-floor side element has a similar form to the existing hipped roof but would be

significantly less in size. The rear flat roof would have minimal visibility, and the simplicity of its form aids in ensuring the proposed extensions remain subordinate to the existing buildings. Overall I am satisfied with the proposal in these regards.

- 7.12. Regarding materials, the side extension to No. 1 Waterloo Road is to be finished in render, whilst the screen wall at ground/lower ground level is to be brick. Conversely the existing dwelling is render at ground floor and brick above. I consider this contrasting of the original materials references the existing structure well, and the use of render above ground level will reduce the visual impact of the extension and help maintain the primacy of the existing building. The side and rear will be finished in render to match the existing. Alongside the proposed form, scale, set-back, and height of this side extension I consider the proposed materials are appropriate and will serve to minimise the visual impact and prominence of the extension in favour of the existing structure. The applicant states that the detail and specifications are to be finalised; I consider this is acceptable and can be achieved by condition similar to Condition 6 of the planning authority notification of decision.
- 7.13. In this regard I note the points made by the third-party appellant and planning authority conservation officer in relation to the use of zinc for No. 1A. This is proposed for the first-floor side extension of No. 1A only and as above will be coloured dark grey / charcoal. I consider the proposed subdued colour, in combination of the lesser height and scale, and complementary shape and form, makes the proposed materials acceptable.
- 7.14. Regarding fenestration, having regard to the drawings and computer-generated images submitted in response to further information, I do not consider the third-party appellant points about the size and proportions of the proposed fenestration to be valid. I consider the shape and design of the proposed windows in both No. 1 and 1A references the windows in the existing protected structure, whilst remaining clearly modern additions. In this regard I note the simpler geometry and vertical emphasis of the windows in the side extension to No. 1 Waterloo Road. In particular I consider the pronounced vertical emphasis of the second-floor front and side windows references the similarly shaped windows located at first-floor in the existing elevation. Overall, I consider the proposed fenestration is appropriate and is not of such scale as to detract from the existing structures.

- 7.15. Regarding Conditions relating to architectural heritage, I am satisfied Condition 6 of the planning authority decision is warranted.

Summary

- 7.16. Overall I consider the proposed design will provide for complementary and harmonious additions to the protected structure, its curtilage, and the other structures therein. I consider the design and style, whilst contemporary, appropriately reference and integrate with the existing structures, their setting, and the heritage of the area. I further consider the design, form, proportions, scale, and materials will maintain the primacy of the protected structure, and will protect the character and special interest of the structure and its setting, and neighbouring protected structures in this Z2 zone. I broadly concur with the recommendation of the planning authority conservation officer, including the detailed condition recommended in relation to heritage conservation (Condition No. 6 of planning authority notification of decision). I consider a similar condition is required to be attached to a grant of permission.

Residential amenity, including Condition 3 part (b)

- 7.17. Having reviewed the submitted proposal, and having inspected in interior and exterior of both buildings on site, I consider the proposed dwellings will provide for a good quality of accommodation in accordance with the land use zoning objective for the area. I am satisfied the proposed dwellings generally accord with the qualitative and quantitative standards set out in the development plan and national guidelines.
- 7.18. Regarding natural lighting, I have visited the site and reviewed the submitted Daylight Analysis and Overshadowing report. I note the report takes into account the concurrent application proposed by the first party appellant to the west. Overall I am satisfied that future occupants of the proposed development will enjoy an acceptable level of amenity in this regard and that the proposal will not have a significant detrimental impact on existing or planned neighbouring dwellings.
- 7.19. Regarding private amenity space specifically, the proposal provides for rear private amenity spaces for each of the 3 no. units. I am satisfied that the quantum and quality of these spaces meets local and national requirements. In relation to the rear private amenity space for unit 3, it totals c.88.4sqm and comfortably exceeds the minimum stated in the development plan and national guidelines. This provision is split into 3 no. spaces which I consider complement the internal unit layout well.

Each space is generally orientated to the south. I am satisfied with the extent, quality and arrangement of the proposed private amenity space for unit 3.

- 7.20. Condition 3 part (b) attached by the planning authority required the omission of the rear single storey element of unit 2 on account of its impact on the residential amenity of unit 3. I acknowledge the points raised by the planning authority and third-party appellant in this regard. The rear extension would be single-storey and is to provide living space off the kitchen and dining areas of unit 2. Section 4.0 of the submitted Daylight Analysis and Overshadowing report indicates the main impacts in this regard are limited to the eastern half of the adjoining private amenity space of unit 3. Whilst I acknowledge the extension will have a detrimental impact in terms of natural lighting, I consider this will mainly be to an area of private amenity space which is to function primarily as circulation space and is not required to meet development plan and national guidelines requirements, and also to non-habitable internal space within unit 3. As above I consider the overall private amenity space provision is of sufficient quantity and reasonable quality, and as such I am satisfied with the proposal in this regard, and that Condition 3(b) is not warranted.
- 7.21. I note related points in this regard made by the planning authority conservation officer relating to the impact of the extension above on the former coach house. The conservation officer stated a preference for the omission of this single-storey element. On balance I do not consider a robust conservation rationale has been presented in this regard, and noting the referenced impact would be to the coach house rather than No. 1 Waterloo Road, and that I consider the loss of the internal space arising from omission of this proposed rear extension would provide for a materially poorer quality of residential amenity for future occupants, I do not consider omission of the rear extension is warranted on these grounds.
- 7.22. Condition 5 attached by the planning authority required opaque glazing for bathroom windows for units 1, 2 and 3. Noting the relative positioning of units 1 and 2 to unit 3, I consider this is reasonable.
- 7.23. Condition 6 attached by the planning authority required that the flat roofs over the living rooms in units 1 and 3 should not be used as amenity space or balconies. Having regard to the arrangement of external and internal spaces and the potential impacts on amenity in this regard I am satisfied this condition is warranted.

Further changes proposed as part of the first party appeal

- 7.24. The first party appeal sets out two alternative options for the rear extension to No. 1A (coach house). One option would move the proposed rear extension further away from the proposed unit 2, and the second option incorporates this change plus stepping the extension away from the proposed party boundary with unit 2. These changes are to increase the distance from the proposed unit 2 rear extension. I am not satisfied these changes overall improve the layout or amenity of future occupants, primarily as they would decrease the size of the unit 3 primary external amenity space and the natural light received by the unit 3 kitchen. I consider the layout proposed at further information stage preferable in this regard.

Parking, including Condition 3 part (c)

- 7.25. In response to further information, the applicant proposed 1 no. car parking space to serve units 3 (No. 1A Fleming's Place), and 3 no. parking spaces to serve units 1 and 2 (within No. 1 Waterloo Road). Condition 7 part (c) of the planning authority decision provided for a maximum of one car parking space per dwelling only, and Condition 3 part (c) required omission of the detached bicycle store in front garden and changes to the parking and landscaping layout.
- 7.26. Regarding parking provision, Compact Settlement Guidelines SPPR 3 states car parking in this category of area should be minimised, substantially reduced or wholly eliminated, and the maximum car parking provision should be 1 space per dwelling. The development plan indicates the site is in parking Zone 2 where the maximum car parking standard is one space per house. The development plan states that parking provision in excess of these maximum standards shall only be permitted in exceptional circumstances (e.g. boundary areas, or where necessary for the sustainable development of a regeneration area). I do not consider the subject proposal meets these criteria. Given the size of the dwellings and the number of rooms, I consider that parking provision in line with these provisions of the development plan and national guidelines is required. As such I concur with the planning authority roads section that one space per unit is sufficient and that Condition 7(c) is appropriate.
- 7.27. Regarding the parking and landscaping layout, Condition 3(c) states that car parking shall be limited to the north end of the front garden, retaining maximum amount of

soft landscaping to the front garden of the protected structure, and that the mature tree to the northeast corner of the garden shall be retained and that continuing the parking across the front elevation to allow a parking space in front of Unit 1 shall not be permitted. Contrary to the points made by the first party appeal, I do not consider Condition 3 (c) limits car parking across the site to 2 no. spaces for 3 no. dwellings.

- 7.28. The planning authority conservation officer stated that parking to the front should be retained to the area along the northern site boundary, away from the protected structure front elevation and its nineteenth-century extension. It stated that this was to keep parking away from the front elevation, and not across the front elevation, and to retain the maximum amount of soft landscaping and the existing mature tree.
- 7.29. The front of No. 1 Waterloo Road is a garden and forms part of the setting and curtilage of the protected structure. The vast majority of front gardens along Waterloo Road have been developed for parking. I acknowledge the appellant points in this regard, and I consider it positive that the front boundary is to remain intact with access is to be taken from Fleming's Place. However, this approach means that any parking to the front of unit 1 must cross the full width of the site. I acknowledge the applicant desire for separate parking areas for each home, however the proposed layout already means that vehicular access will be shared. The first party appeal indicates that additional vehicular parking cannot be accommodated in the northern end of the front garden in front of unit 2 due to the root protection area of the existing mature tree, however minimal supporting rationale for this view is provided. Based on the information provided I am not satisfied this is the case. I concur with the conservation officer regarding the extent of parking proposed and its impact on the protected structure. I consider that a revised Condition 3(c) is warranted.
- 7.30. Condition 3(c) also required the omission of detached bicycle store in front garden and the use of the understairs main as parking. I consider this to be reasonable.
- 7.31. I have reviewed the planning authority roads section reports. I am satisfied that Condition 7 of the planning authority decision is reasonable and warranted.
- 7.32. Regarding the third-party appellant reference to a screening mound in the front garden, noting the existing front garden tree and the distance to the road I am satisfied removal of the mound will not have a significant impact on the residential amenity of the proposed dwellings. In relation to heritage, the planning authority

conservation officer raises no objection in this regard, and as such I am satisfied its removal will not have a significant detrimental impact on the special interest or setting of the protected structure.

Related matters raised in the course of the appeal

Relationship to concurrent appeal at No. 1 Waterloo Road

- 7.33. Regarding procedure, I note points made in the appeals and observations regarding **the concurrent appeal** at No. 1 Waterloo Road. Procedurally, the two concurrent applications and appeals in this case is acceptable.
- 7.34. Regarding the form and layout, and noting the changes made to the two proposals as presented to the Board, I am satisfied there are no significant conflicts between the two developments, including in relation to separation distances, privacy, overlooking and private amenity space, and that the proposals have been design in consideration of each other. For completeness I note changes made to that proposed development at further information stage and as part of that appeal, including the proposed boundary between the developments which was moved further west away from No. 1 Waterloo Road, and that this change is reflected in the subject case.
- 7.35. Regarding the third-party appellant points relating to overdevelopment of No. 1 Waterloo Road, I have considered this question including having regard to both proposed developments, No. 1 Waterloo Road being a protected structure, and the Z2 land use of the site. I note in this regard the appellant submitted a masterplan for the overall lands showing both developments alongside each other and submitted related commentary in this regard. I also note the greater width of No. 1 Waterloo Road to other dwellings on Waterloo Road, the size of the Coach House, as well as the much greater rear garden size which is multiples of any other rear garden along the Road. Having regard to the foregoing, and to the proposed density, site coverage and plot ratio of both sites individually and together, as well as to the impact on the protected structure, its setting and the Z2 land use zoning objective for the area, I do not consider the overall development proposed at No. 1 Waterloo Road amounts to overdevelopment.

Other matters

- 7.36. Regarding the first party appeal request that Condition 3 parts (b) and (c) be removed under Section 139(1) of the Act, application of this provision is at the Board's absolute discretion and having regard to the interrelated issues raised by the parties in this regard, I do not consider this would be appropriate in this case.
- 7.37. Regarding the first-party appeal request for an oral hearing if the Board does not dismiss the third-party appeal, I do not consider this to be appropriate having regard to the reasonably straightforward nature of the planning matters raised in the third-party appeal, and the extensive information provided to the Board. I note this request was not made via the Board's formal processes and the required fee was not paid.
- 7.38. Further regarding conditions, Condition 8 of the planning authority decision related to drainage, and Conditions 9, 10, 11 and 12 related to construction management. I am satisfied these conditions are warranted, and consider that similar conditions should be attached to any grant of permission. Regarding water infrastructure, a standard condition relating to connection to water infrastructure is required.

Conclusion

- 7.39. Both No. 1 Waterloo Road and No. 1A Fleming's Place were most recently used as dwellings, are now vacant, and are in a poor state of repair. I consider the proposal to create three good-sized family homes is welcome and appropriate for this protected structure and the respective buildings within its curtilage and setting.
- 7.40. I consider the development as per the response to further information submitted to the planning authority on the 31st October 2023, subject to revised conditions, is consistent with the Z2 Residential Neighbourhoods (Conservation Area) land use zoning objective for the area in the 2022-2028 Dublin City Development Plan, and generally complies with the policies and provisions of the development plan, including Policies BHA2 Development of Protected Structures, BHA11 Rehabilitation and Reuse of Existing Older Buildings, and BHA24 Reuse and Refurbishment of Historic Buildings. I also consider the proposal protects and improves the character and amenities of the Z2 residential conservation area of which it forms part, and I am satisfied the proposed development would conserve and enhance No. 1 Waterloo Road as a protected structure, and not harm its character, architectural heritage or special interest as a protected structure, its curtilage or setting, or that of neighbouring

protected structures or neighbouring streetscapes. Therefore, I consider that planning permission be granted subject to revised conditions.

- 7.41. Regarding the further revisions to the development proposed to the Board as part of the first party appeal, as set out above I do not consider these changes would overall improve the proposal and as such should not be permitted.

8.0 **Appropriate Assessment screening**

- 8.1. I have considered the proposed development of extensions, renovation and subdivision of the existing building in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The closest European sites, part of the Natura 2000 Network, are the South Dublin Bay & River Tolka Estuary SPA and South Dublin Bay SAC located c.2.0km from the proposed development. The proposed development is located in an urban area and comprises extensions, renovation and subdivision of the existing building. No significant nature conservation concerns were raised as part of the appeal. Having considered the nature, scale and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the development and its location in an urban area, served by mains drainage, the distance to any European Sites, and the urban nature of intervening habitats and absence of ecological pathways to any European Site. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) 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 & Development Act 2000 as amended is not required.

9.0 **Recommendation**

- 9.1. I recommend permission be **Granted**, subject to Conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the Z2 land use zoning objective for the area, Policies BHA2 Development of Protected Structures, BHA11 Rehabilitation and Reuse of Existing Older Buildings, and BHA24 Reuse and Refurbishment of Historic Buildings, and having regard to the form, nature, and design of the proposed development, and to No. 1 Waterloo Road as a protected structure, and to the existing pattern of development in the area including neighbouring protected structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact the character and heritage of the area, including the protected structure on the site and its setting, and those in the area, and would not seriously injure the character and amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31 st October 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. Reason: In the interest of clarity.
2.	The following shall be complied with: (a) The flat roof over the living room in Unit 1, and over the living room in Unit 3 shall not be used as an amenity terrace or balcony (b) The proposed bathroom and w.c. windows for Unit 1, 2 and 3 shall be fitted with opaque glazing and permanently maintained as such.

	Reason: To protect existing amenities.
3.	<p>The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:</p> <ul style="list-style-type: none"> a) Details of the proposed door to the side wall of the entrance steps to Unit 1; b) Details of the proposed finishes to the extensions to Unit 1 and Unit 2; c) Details of the proposed brick finish to the extension of the former coach house; d) Confirmation of the extent of works proposed to the historic windows including any proposed replacement glazing. Details of the proposed new glazing shall be submitted; e) Details of the proposed new slate to the roof; f) Treatment of the boundary between Units 1 and 2. g) The proposed detached bike store located in the front garden shall be omitted. h) The applicant shall submit for the written agreement of the planning authority a revised front garden landscape plan. Car parking shall be limited to the north end of the front garden, retaining maximum amount of soft landscaping to the front garden of the Protected Structure. The mature tree to the northeast corner of the garden shall be retained. The continuing of the parking across the front elevation, to allow a parking space in front of Unit 1 shall not be permitted. <p>Prior to the commencement of development, revised plans, drawings and particulars in these regards shall be submitted for the written agreement of the Planning Authority.</p> <p>Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at No. 1 Waterloo Road and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority:</p> <ul style="list-style-type: none"> a) Following provision of a scaffold to the front façades, the Conservation Officer shall be given the opportunity to inspect the front and rear elevations to assess the

	<p>condition of the brickwork and agree the proposed strategy for repair. This will include inspection of the pointing to agree the correct joining profile and mix. The applicant shall identify, by inspection of the façade, any remnants of original pointing to inform the appropriate re-pointing method for the building based on remnants observed;</p> <p>b) A detailed schedule/marked up drawing of repairs to the façade following inspection at close quarters is to be provided;</p> <p>c) The applicant shall submit details of five recent examples of specialist re-pointing works carried out by the proposed contractor on protected structures of similar architectural significance in Dublin and associated references to ensure that the contractor has the requisite expertise for these works;</p> <p>d) Site samples/exemplars for the raking out of joints, repair of brick, proposed pointing and cleaning are to be agreed on site with the Conservation Officer prior to these works commencing;</p> <p>iii. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works 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 fabric and the curtilage of the Protected Structure;</p> <p>iv. The proposed development shall be carried out in accordance with the following:</p> <p>a) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement;</p> <p>b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works;</p>
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	<p>c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric;</p> <p>d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.</p> <p>Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at No. 1 Waterloo Road and to ensure that the proposed works are carried out in accordance with best conservation practice</p>
5.	<p>The developer shall comply with the following requirements of the planning authority:</p> <p>a) Prior to commencement development the developer shall contact Public Lighting and Electrical Services at Dublin City Council and liaise with them with regard any works including relocation or removal to the existing public lighting columns adjacent to the site. All works will be at the developer's expense;</p> <p>b) All entrance gates onto Waterloo Road and Fleming's Place shall not be outward opening;</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
6.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water within the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interests of public health and to ensure adequate water / wastewater facilities.</p>
8.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended</p>

	<p>construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>

-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.-

D. Aspell
Inspector
24th October 2024

APPENDIX 1

Form 1 - EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-318593-23	
Proposed Development Summary		Protected Structure: Demolition of extensions, internal alterations to buildings, construction of extensions to create dwelling to increase to 3 dwellings on site with all associated site works.	
Development Address		1 Waterloo Road & 1A Flemings Place, Ballsbridge, Dublin 4.	
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	X
		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 15/10/2024__

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-318593-23	
Proposed Development Summary	Protected Structure: Demolition of extensions, internal alterations to buildings, construction of extensions to create dwelling to increase to 3 dwellings on site with all associated site works.	
Development Address	1 Waterloo Road & 1A Flemings Place, Ballsbridge, Dublin 4	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
Characteristics of proposed development	Proposed development comprises subdivision of 2 no. existing dwellings to 3 no. dwellings. Proposal would increase the total floor area on site from c.737sqm to c.912sqm. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.	
Location of development	The development is located in an urban area with existing dwellings on site. The receiving location is not environmentally sensitive and is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan. The site is of historic and cultural significance as a protected structures, however given the scale and nature of development there will be no significant environmental effects arising.	
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: __15/10/2024_____

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)