



An
Bord
Pleanála

Inspector's Report

ABP-319468-24

Development

PROTECTED STRUCTURE (RPS no. 8837): The development will consist of the demolition and removal of a single storey concrete block garage to the side of house and the construction of single-storey extension in its place.

Location

36 Ellesmere Avenue, Dublin 7, D07 H6C3

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

3053/24

Applicant(s)

James Cross and Silvia Caló

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

First Party vs conditions

Appellant(s)

James Cross and Silvia Caló

Observer(s)

North Circular Road & Area Residents Group

Date of Site Inspection

14th November 2024

Inspector

Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site (no. 36) and the adjoining dwelling to the south (no. 35) form a pair of semi-detached houses with a two storey front bay projection with gable fronted roof which are both Protected Structures. Adjoining the northern side wall of no 36 is a single storey garage which adjoins a garage attached to no. 37. The appeal site has a stated area of 267 sq.m. and the immediate vicinity is characterised by two-storey dwellings. No. 35 and 36 are located at the end of a vista along Ellesmere Avenue. Beyond the rear boundary of the appeal site is a railway track.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition and removal of a single storey concrete block garage to the side of the existing house and the construction of a single-storey extension with a floor area of 27.4 sq.m. in its place. The development will include partial demolition of a wall, window and disused chimney breast at ground floor level to form a connection between the proposed extension and the existing house and associated foundation works. The proposed extension will consist of a new utility area, a ground floor WC, a kitchen and dining area.
- 2.2. The planning application was accompanied by a Conservation Report prepared by Thomas O'Brien Registered Architect with RIAI G3 Conservation Accreditation and a Photographic Survey.

3.0 Planning Authority Decision

3.1. Decision

By order dated 12th March 2024, Dublin City Council issued notification of the decision to grant planning permission subject to 10 conditions.

Condition 4 refers to the requirements of the Conservation Section and states:

In advance of works commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Office of the Planning Authority:

a) In order to protect the legibility of the historic floor plan, the proposed opening in the existing side wall shall be reduced and the chimney breast shall be retained. The applicant shall revise the ground floor plan, showing the retention of the chimney breast and the entire rear wall of the house, omitting the proposed structural column. An opening either side of the chimney may be acceptable provided a downstand of at least 300mm is retained over each opening.

b) The proposed roof lantern shall be omitted. The front building line of the extension shall be set back from the existing building line by 500mm. A sample for the proposed brick and timber shall be submitted for the written approval of the CO.

c), d), e), f), g), h), i) and j) relate to specifications and method statements relating to drylining, plastering, window repair, pointing of brickwork, insulation, front boundary, PV panels and EV charging location.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 36 Ellesmere Avenue, its setting and curtilage, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials, and to ensure that the proposed works are carried out in accordance with best conservation practice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer can be summarised as follows:

- The proposed extension continues directly out from the front building line, and has a parapet height of c. 3.3 metres, compared with the existing garage height of c. 2.9 metres. This is slightly higher than the height of the permitted side extension (c. 3.2 metres) to 35 Ellesmere Avenue. However, it was observed on the site visit that this latter extension (not yet constructed) will not be highly visible in long views due to garden foliage, even in winter, and the minor discrepancy in height will not cause undue visual disruption.
- The proposed double-height lightwell is a more prominent feature, reaching above the front eaves. While it is set well back from the front elevation, and such a development would typically be visually acceptable, the nature of the

house as a protected structure, and the character of the house as one half of a symmetrical pair needs consideration.

- The proposed single-storey extension has no undue overbearing or overshadowing impacts due to its location and scale.

3.2.2. Other Technical Reports

The Conservation Officer's report can be summarised as follows:

- The garage is assumed to be a later addition and its careful removal to provide additional family accommodation is acceptable in principle.
- The proposal to remove the side wall including the chimney breast and the rear corner of a downstairs room and install a structural column in its place would result in significant loss of historic fabric and legibility of the floor plan.
- The CO acknowledges that the installation of this column and associated foundations would help to remediate a subsidence issue however the CO requests that the wall and chimney breast is kept in its entirety and an alternative solution to the subsidence issue is proposed.
- While there is precedent next door in No. 35 for permitting an opening in the external wall to make a connection with a new extension (Planning ref. 3468/23), there would be a greater loss of fabric in the subject application.
- The ground floor plan shall be revised to show the retention of the chimney breast and the entire rear wall of the house. An opening either side of the chimney may be acceptable provided a down stand of at least 300mm is retained above each opening.
- The proposed lightwell would have an injurious impact on the setting and special character of the front elevations and should be omitted.
- While the proposed extension would be built along the front building line of the existing garage, the proposed extension would be taller than the existing garage and therefore the scale of the proposed door and windows appear larger than the existing. To lessen the impact of the extension on the front elevation, the overall height of the single storey extension shall be reduced by

90mm to +40.480m, to match the height of the previously granted extension to No. 35 (Reg.ref 3468/23).

- The proposed extension shall be set back from the front building line of the house by 500mm, in order that the proposed extension would appear more subservient to the protected structure.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

- 3.5. One observation was received in relation to the planning application. The issues raised are comparable to the issues raised in the observation to the appeal.

4.0 Planning History

Appeal site:

No recent relevant planning applications.

Adjoining site to south at 35 Ellesmere Avenue:

3468/23: Permission granted by Dublin City Council for demolition of shed, conservation works to existing dwelling and new single-storey side and rear extension.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area. The subject site is zoned Z1 'Sustainable Residential Neighbourhood', which has the stated objective "To protect, provide and improve residential amenities".
- 5.1.2. Chapter 11 of the development plan refers to Built Heritage and Archaeology. Of relevance to the proposed development is Policy BHA2 Development of Protected

Structures which states: It is the Policy of Dublin City Council that development will conserve and enhance protected structures and their curtilage and will: (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht. (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance. (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation. (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure. (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials. (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure. (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features. (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development. (h) Have regard to ecological considerations for example, protection of species such as bats.

- 5.1.3. The subject property is included in the Record of Protected Structures, ref no. 8837 and described therein as 'House'.

5.2. **Architectural Heritage Protection Guidelines for Planning Authorities, 2011**

- 5.2.1. Chapter 11 refers to Interiors and the following sections are considered relevant:

In relation to considerations of proposals affecting plan-form, paragraph 11.2.2 states 'where alterations are essential for the continued viability of a building with an interior of value, attempts should be made to keep works to a minimum and preferably confined to areas of secondary importance. For example, where existing

internal doorways are to become redundant, as a result of alterations to a structure, the doors should be retained in position and simply locked shut, rather than stripped out and the opening blocked up.

Section 11.2.16 states that in addition to the loss of historic fabric, the removal of internal structural walls or chimney breasts also has the potential to jeopardise the structural stability of a building and any proposals should be given careful consideration.

Chapter 11 on page 182 states 'Where a fireplace has become redundant, the chimneybreast should be left intact to allow it to continue to contribute to the character of the room. The intensification of uses within a structure and changes to other forms of heating, can lead to pressure to block up or remove chimneypieces. The adverse effects of such works on the building would not only include the loss of important architectural features but would also reduce the natural ventilation of the interior.

5.3. National Inventory of Architectural Heritage

- 5.3.1. No.'s 35 and 36 Ellesmere are included on the NIAH (Reg no. 50070023), wherein they are rated of regional importance and of architectural interest, built c. 1930. The appraisal states 'This pair of houses form a picturesque termination to the south-east portion of Ellesmere Avenue. Their shared gable breakfront combines both units to form a singular elevation. They maintain their striking form and a number of early features such as the timber windows to no.35. They share proportions and details with no.51 and no.52 Ellesmere Avenue'.

5.4. Natural Heritage Designations

- 5.4.1. None relevant.

5.5. EIA Screening

- 5.5.1. See Appendix 1 - Form 1 EIA Pre-Screening attached to this report. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. A first party appeal has been submitted against condition 4 a) and 4 b) of the decision of the Planning Authority. The appeal includes a copy of planning application drawings relating to the appeal site and drawings submitted in response to a further information request under planning permission ref. 3468/23 relating to no. 35 Ellesmore Avenue. The grounds of the appeal can be summarised as follows:

- Whilst in keeping with conservation principles in a general sense, the condition does not take cognisance of the specific found condition of the house. Prior to the applicants' ownership of the property the original fireplace and fittings have been removed. There is no chimney breast nor fireplace to retain. What remains is a 600mm x 600mm chimney support structure to support what is above.
- The proposal seeks to make the existing small kitchen more usable and practical and properly connected to the dining area in the proposed extension. The retention of the chimney at ground floor prohibits this.
- The proposed extension has been located to the side to minimise the impact on the small rear garden and on the rear elevation.
- The neighbouring house at no. 35 has been granted permission to remove the back wall of the house in its entirety along with original windows and openings which provides for a precedent allowing for alterations to the historic plan form.
- The proposed design is the least disruptive means of connecting the new to old fabric, while maintaining the legibility of the floor plan.
- The design can be altered to omit the structural corner column and to allow for 300mm down-stand beam as per the condition.
- The proposed work maintains the historic plan with regard to the rear elevation which is of more character and historic value.

- It is requested that the designed opening between the existing house and proposed extension be maintained.

In relation to Condition 4 b) the appeal can be summarised as follows:

- The proposed roof lantern will be omitted as required by condition 4 b).
- The justification for setting back the extension by 500mm is unclear. The current building line is in line with the front façade of the house and the neighbouring house and the extension is in line with the existing building which it will replace.
- Compliance with this condition will reduce the already small utility and reduce functionality and result in the loss of floor area in what is a modest extension confined by the tapered shape of the site.
- Condition 4 a) and 4 b) jeopardise the feasibility of the project making the extension impracticably small and badly connected to the main house.

6.3. Planning Authority Response

A response from the Planning Authority's Conservation Officer can be summarised as follows:

- Under planning application 3468/23 relating to no. 35, the applicants were requested by the planning authority to revise their initial plans to remove the corresponding chimney breast and the chimney breast retained as it was considered to be a central element in the planform of the room.
- The alterations including the removal of the fireplace and widening of the chimney breast with studwork and plasterboard are acknowledged, however the extant chimney breast contributes to the architectural character and legibility of the original room.
- It is hoped that the Board will strongly consider the fundamental and internationally accepted conservation principle of retaining original features that contribute to the special character of a protected structure.
- The removal of original features from a protected structure contravenes the Development Plan Policy BHA2 (b), (e) and (f) and BHA9 6 and Section

11.2.16 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and sets an undesirable precedent.

- The retention of the chimney breast, the northeast corner of the room and a downstand above the opening would strike an acceptable balance between retaining the legibility and character of the room whilst accommodating a dining room that is easily accessible from the proposed kitchen.
- In relation to condition 4(b) the setting of no. 35 and no. 36 makes a significant contribution to the architectural character of these protected structures. The proposed extension would be taller than the existing garage and would have a greater impact on the special architectural character of the protected structure.
- The permitted extension at no. 35 is set back from the front building line lessening the impact of the extension on the setting of the protected structure.
- The proposed extension would be overbearing on the protected structure in terms of scale and mass, and would have an injurious impact on the character of the protected structure and its setting. If constructed along the existing front building line of the house would contravene policies BHA2 (b), (d) and (e) of the Development Plan and it is recommended that the proposed extension be set back from the front building line of the house by 500mm, in order that the proposed extension would appear more subservient to the protected structure.
- Conditions 4(a) and 4(b) are required to protect the original fabric, character and integrity of the protected structure, its setting and curtilage, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials, and to ensure the works are in accordance with best conservation practice.

6.4. Observations

One observation from North Circular Road & Area Residents Group can be summarised as follows:

- No. 36 is one of few fine examples of early 1930's Arts and Crafts domestic architecture remaining in Dublin and along with no. 35 occupy a prominent site at the end of a unique vista up Ellesmere Ave. coming from the North Circular Road.
- The entrance side door and garage are part of the original structure.
- The proposed two storey lightwell tower constitutes a radical and obtrusive alteration to this protected structure rendering it inconsistent with the existing house and the adjoining no. 35, both protected structures.
- The proposed exterior treatment and height increase above the existing garage are incongruous and visually inconsistent with the main façade.

7.0 **Assessment**

7.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000 (as amended) provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.

7.2. In the case of the current appeal, I am satisfied no further issues have been raised which require assessment outside those relating to Condition No.4 a) and 4 b). Therefore, I am satisfied this appeal may be dealt with under Section 139 of the Act.

7.3. Condition 4 (a) and 4 (b) states:

In advance of works commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Office of the Planning Authority:

a) In order to protect the legibility of the historic floor plan, the proposed opening in the existing side wall shall be reduced and the chimney breast shall be retained. The applicant shall revise the ground floor plan, showing the retention of the chimney breast and the entire rear wall of the house, omitting the proposed structural column.

An opening either side of the chimney may be acceptable provided a downstand of at least 300mm is retained over each opening.

b) The proposed roof lantern shall be omitted. The front building line of the extension shall be set back from the existing building line by 500mm. A sample for the proposed brick and timber shall be submitted for the written approval of the CO.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 36 Ellesmere Avenue, its setting and curtilage, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials, and to ensure that the proposed works are carried out in accordance with best conservation practice.

7.4. No. 36 Ellesmere Avenue is included on the record of protected structures (RPS no. 8837) described as a 'house' along with no. 35 (RPS no. 8836). The pair of houses are included on the NIAH (Reg no. 50070023), wherein they are rated of regional importance and of architectural interest, built c. 1930. The appraisal (outlined in section 5.3 above) refers to the external appearance of the houses and maintenance of early features such as the timber windows to no.35.

7.5. Condition 4 a)

7.5.1. It is proposed to demolish the existing garage and construct a new extension which will be approx. 350mm above the height of the existing garage, positioned in line with the front building line of the existing house, and will follow the same front building line as the existing garage. The proposed alterations include the removal of a portion of the northern side elevation wall at ground floor, including the removal of a chimney breast to facilitate an open plan layout. The wall and chimney breast are located in the existing kitchen and incorporated into kitchen units. It is proposed to retain the chimney breast at first floor and no works are proposed to the external chimney structure.

7.5.2. An Architectural Heritage Appraisal prepared by Thomas O'Brien, a registered architect with RIAI G3 Conservation accreditation was submitted with the planning application. The report notes that the house has been remodelled and altered internally by previous owners with original internal features including fireplace, chimney and windows removed or substantially altered. The report states that the placement of the opening to the extension has been designed to minimise alterations

to the more decorative rear façade and address the necessity for underpinning / support of the north corner to address a minor subsidence issue. The report notes that there will be some loss of original fabric, namely a portion of the side wall at ground level north corner, the chimney breast of a disused chimney (at ground level only) and removal of one number ground floor kitchen window which has previously been built over. The report notes that a precedent has been set at no. 35 where permission was granted for an opening at ground floor level at the rear façade including removal of windows, and that the works at no. 36 involve significantly less material alteration to the existing house than what was permitted at no. 35. A Photographic Survey accompanied the planning application and shows an internal view of the chimney breast in image 'Room 4 View C: Ground floor kitchen' indicating alterations that have taken place including placing a stud wall and kitchen units in front of the chimney breast.

- 7.5.3. The Architectural Heritage Guidelines note that internal walls and chimney breasts are part of the historic fabric of buildings and that where a fireplace has become redundant, the chimneybreast should be left intact to allow it to continue to contribute to the character of the room. Development plan Policy BHA2 seeks to ensure that development of protected structures respects the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- 7.5.4. On the date of my site inspection, I was unable to gain access to the interior of the dwelling. Having reviewed the documents submitted with the planning application, including the photographic survey and the grounds of appeal, as well as the observation of the planning authority, I note that the chimney breast does not appear to contain any distinctive architectural features or architectural detail, fixtures and fittings or materials that contribute to the character of the room. I note the Local Authority's Conservation Officers report which states that the extant chimney breast remains and contributes to the architectural character and legibility of the original room and references the principle of retaining original features that contribute to the special character of a protected structure. I also note the grounds included with the appeal that the original fireplace and fittings have been removed and the existing chimney breast altered. Whilst I recognise that the existence of the chimney breast at this location contributes to the plan form, I note that the chimney breast at first

floor at this location is to be retained as is the external chimney structure and the works will not be visible from the main façade of the building. I consider limited interventions are proposed in terms of overall works to the structure in order to improve the functionality of the layout and I note that no reference is made to the internal layout and plan form of the house in the description of the property on the RPS or NIAH.

- 7.5.5. I consider that the impact of the proposed development on the historic integrity of No. 36 is limited and represents a reasonable balance between bringing the building up to modern day living standards to ensure its continued use while maintaining the historic and architectural integrity of the building. Whilst I acknowledge that the chimney and wall are features of the plan form, I consider the removal of the chimney breast and wall from one ground floor room represents a minor alteration and I do not consider their removal and the insertion of a structural support column will detract from the plan form to such an extent that the special architectural interest of the building would be compromised and I do not consider the proposal would result in the loss of important architectural features. I am satisfied that the legibility of the floor plan in the overall structure is substantially retained, and I do not consider the proposal would have an irreversibly detrimental impact on the plan form, historic fabric, integrity and architectural character of this structure.
- 7.5.6. I do not consider the removal of the chimney breast and wall would result in a detrimental impact on the special character and appearance or the architectural character and special interest of the protected structure or that it would result in the removal of important elements of built heritage as referenced in the Development Plan in Policy BHA2 (b), (e) and (f) and as put forward by the Conservation Officer in the observation to the appeal by the Planning Authority. Reference is also made in the Planning Authority's observation to removal of features from Protected Structures contravening Policy BHA9 6 which seeks the retention of buildings and features that contribute to the overall character and integrity of Conservation Areas identified under Z8 and Z2 zoning objectives. I note the site is zoned Z1 'Sustainable Residential Neighbourhood' and I do not consider Policy BHA9 is relevant to the appeal site.
- 7.5.7. I note the content of the Architectural Heritage Protection Guidelines relating to chimney breasts. I consider there is no evidence that the retention of the existing

chimney breast within the ground floor room substantially contributes to the character of the room or the building itself or that the chimney breast is an important architectural feature. Having regard to the above I am of the opinion that the proposal does not represent a material contravention of the Development Plan and that it complies with the Architectural Heritage Protection Guidelines.

- 7.5.8. The appeal refers to a precedent which has been set at no. 35 and I note that the removal of a rear wall was permitted by the planning authority under reference 3468/23, similar to the extent of wall removal proposed to be removed at the appeal site. As noted by the Conservation Officer the chimney breast at no. 35 was retained in revised drawings submitted by way of further information following a request by the planning authority in this regard. That application was not appealed to An Bord Pleanála. I note that the two proposals are different to one another and I consider each application must be considered on its merits and I am satisfied that the proposal to remove the wall and chimney breast in this instance is acceptable as outlined above.

7.6. Condition 4 b)

- 7.6.1. The Conservation Officer in the observation to the appeal by the Planning Authority outlines that the proposed extension would be taller than the existing garage and would therefore have a greater impact on the special architectural character of the protected structure, and would be overbearing on the protected structure in terms of scale and mass and would have an injurious impact on its character and setting and considers that if constructed along the existing front building line would contravene policy BHA2 (b), (d) and (e) and as such a setback of 500mm is required.
- 7.6.2. The proposed extension will be approx. 350mm higher than the existing garage it will replace. Having regard to the proposal to replace an existing structure at this location with the same front building line and the limited height increase proposed, and to the design and scale of the proposed extension, I do not consider the proposal would be overbearing or that it is of such a scale and mass that it would have a negative impact on the setting and character of the protected structure. Reference is made to the permitted extension at no. 35 which is also a protected structure and mirrors no. 36 and whereby permission was granted for an extension located to the rear and side of that dwelling. There was no pre-existing garage extension located at no. 35

and the proposed extension at that property was of a different design and location within the site and as such I do not consider setting back the proposed extension by 500mm is necessary in the context of what has been permitted at no. 35. The observer to the appeal raises concerns that the proposed exterior treatment and height increase above the existing garage are incongruous and visually inconsistent with the main façade. I note that the height of the extension was permitted by the planning authority and condition 4 a) or 4 b) did not seek a reduction in the height or alteration to material finishes. I do not consider the limited increase in height above the existing height will result in an unacceptable impact on the character of the protected structure. I consider the material finishes proposed, which comprise render, timber and brickwork are in keeping with existing finishes and are acceptable, subject to a condition that the exact details of the materials be agreed with the planning authority in advance of construction. Condition 4 b) includes a requirement that a sample of the proposed brick and timber finishes be agreed with the planning authority in advance of construction, and I consider it appropriate that this requirement be retained.

- 7.6.3. Having regard to the above, I am satisfied that the proposed extension in line with the existing front building line is acceptable and is in accordance with Policy BHA2 of the Development Plan.
- 7.6.4. I note the concerns of the observer and the planning authority in relation to the proposed first floor light well. The appeal states that the first party has no objection to the omission of the lightwell and no amendment to this element of Condition 4 b) is sought. I therefore consider it appropriate to retain this element of condition 4 b).
- 7.7. In relation to the observer's concerns that the entrance side door and garage are part of the original structure, I note the report of the Conservation Officer which states no objection to the demolition of the existing garage and I do not consider the removal of the entrance side door and garage will negatively impact on the character of the protected structure.
- 7.8. I am satisfied that that removal of condition 4 a) and the amendment of condition 4 b) does not result in a development which would negatively impact the special character and appearance of the Protected Structure, and that the proposed extension respects the historic fabric and does not interfere with any important

elements of the building and is in keeping with the policies and objectives of the Architectural Heritage Guidelines and with Policy BHA2 of the development plan.

8.0 AA Screening

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

The subject site is located approx. 4.3km from South Dublin Bay and River Tolka Estuary SPA (0004024) and approx. 6 km from South Dublin Bay SAC (0000210).

The proposed development comprises the development of an extension to an existing dwelling and associated site works. No nature conservation concerns were raised in the planning appeal.

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 nature and scale of the proposed extension and associated site works.
- The location and distance from the nearest European sites and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account the screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that the Planning Authority be directed to omit condition No 4 (a) and amend condition 4 (b) as outlined below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 it is considered that subject to compliance with the amended condition No 4 set out below and the other conditions specified by the planning authority, the proposed development would be in keeping with Development Plan Policy BHA2 of the Development Plan and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 and would not seriously injure the character of the Protected Structure ref no. 8837, and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

4. In advance of works commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Office of the Planning Authority:

- a) The proposed roof lantern shall be omitted. A sample for the proposed brick and timber shall be submitted for the written approval of the CO.
- b) The applicant shall clarify if there is existing drylining to the walls and shall confirm if it is intended to install 100mm soundproofing board along the party wall with No. 35. The applicant shall revise the drylining proposal, retaining the cornice in situ and shall provide revised specification details for the written approval of the CO, for both the insulating system and sound proofing system (if applicable). The CO notes that there is insulation shown on the proposed drawings at ceiling level at first floor. The applicant shall provide details and specification of the proposal for the insulation to the ceiling at this level for the written approval of the CO.
- c) A detailed window survey shall be carried out demonstrating the condition of all windows. The window survey should include a detailed description of the existing timber windows and detail any surviving historic glazing. It should include detailed photographs of the existing windows. Details of the extent of any required repairs should be outlined in a conservation method statement. Where windows are clearly shown to be beyond repair, any proposed

replacements must be historically correct timber sash windows, which are accurately based on originals. Details of the proposed new windows and glazing should be submitted. Please note that in the case of historic windows which retain historic glazing, new replacement windows will not be permitted. These shall be repaired. All historic glazing shall be retained. The original windows that are proposed for refurbishment / removal shall be clearly identified on the drawings and described within the AHIA and justification for their removal / replacement shall be provided. The use of standard double glazed units is not permitted as they are considered too bulky for historic windows. The installation of slim profiled double glazing may be considered where well detailed. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing shall be submitted. The applicant shall be satisfied that any proposed slim-profiled glass replacements conform to EU directives. All works 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.

- d) Prior to this aspect of the works commencing, the Conservation Officer shall be given the opportunity to inspect the façade to assess the condition of the brickwork and agree the most appropriate method of pointing. A conservation method statement for the repair and repointing of the external brickwork shall be submitted. Site samples/exemplars for the removal of pointing, raking out, cleaning, patch repairs, re-facing and repointing for the building shall be agreed on site with the Conservation Officer prior to these works commencing. The applicant shall submit details of five recent examples of specialist façade 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.
- e) A specification and detailed drawing at 1:10 of the proposed insulation between the existing floorboards

- f) Method statement for the removal and re plastering of the window reveals, including the method for improving the weather/air tightness around the windows to best conservation practice. New plaster shall be lime.
- g) Method statement for the repair and redecoration of the cast iron fence to the front boundary to best conservation practice
- h) A method statement and detail drawing at a scale of 1:5 describing the installation of the PV panels and the fixing detail to the roof.
- i) The applicant shall confirm the location of the car charging point on the revised plans and elevations.

Reason: In the interest of the protection of architectural heritage.

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.

Bernadette Quinn
Planning Inspector

26th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319468-24			
Proposed Development Summary	PROTECTED STRUCTURE (RPS no. 8837): The development will consist of the demolition and removal of a single storey concrete block garage to the side of house and the construction of single-storey extension in its place.			
Development Address	36 Ellesmere Avenue, Dublin 7, D07 H6C3			
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)	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:** _____