



An
Bord
Pleanála

Inspector's Report ABP320163-24

Development	Extension and refurbishment of house – Protected Structure.
Location	42 Leeson Park, Ranelagh, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3567/24.
Applicant	Caroline Donohue.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party v. Decision.
Appellant(s)	Caroline Donohue.
Observer(s)	Paul Sheridan and Megan Munsell.
Date of Site Inspection	16 January 2025.
Inspector	B. Wyse.

1.0 Site Location and Description

- 1.1. No.42 Leeson Park is a two storey over basement semi-detached red brick fronted house dating from the 1830's. It has a stated floor area of 215sqm and is currently divided into three separate residential units, one on each floor. The front garden accommodates off-street parking and includes cast iron railings with a gap for vehicular access. The nearby pedestrian gate provides access to the adjacent property (No.10 Winton Road). The rear garden is bordered by cut stone walls.
- 1.2. Leeson Park is a mature tree lined avenue of broadly similar period properties in varying configurations. No.42 is one of a pair of semi-detached houses, the other house being No.41 to the north. To the south the property is bordered by No.s 10, 9 and 9A Winton Road. No.s 10 and 9 are semi-detached houses and are built right up to the side boundary of No.42 Leeson Park. No.9A Winton Road is detached and also backs onto the rear garden of the subject property. Fitzwilliam Court, a four storey apartment complex, is located to the rear of the property.
- 1.3. At the time of inspection it was evident that some minor internal works had been carried out. These appear to have mainly involved clearing the internal alterations previously carried out to sub-divide the property. Otherwise the house is substantially intact in terms of its original layout, much of the original timber work, ceiling cornicing ceiling roses.
- 1.4. No.42 Leeson Park is a protected structure, as are several of the adjacent properties (See Section 5.1 below).

2.0 Proposed Development

- 2.1. The proposed development includes the following:
 - The reinstatement of the house as a single dwelling unit.
 - Part single storey, part two storey and part three storey extension to rear and side.
 - Total additional floor area – 82sqm.
 - Demolition of small (8sqm) return to rear.
 - Internal modifications/alterations.

- External elevation repairs and modifications (to rear and side).
- Widened vehicular access and pedestrian gate to front.

2.2. Documentation included with the application includes:

- Planning and Heritage Method Statement
- Architectural Impact Proposal
- 42 Leeson Park, Dublin 6, Protected Structure, Architectural Record

3.0 Planning Authority Decision

3.1. Decision

The decision to refuse permission cites the following reasons:

1. *The development by reason of its proposed layout, design, height, location and materials would result in the unacceptable impact on the fabric, character and setting of No.42 Leeson Park, a Protected Structure, and on the adjoining properties, No.9 and No.10 Winton Road, also Protected Structures. The proposal, including the inadequate level of accurate detail required for a development involving protected structures in a Z2 location, does not demonstrate the high quality of design, materiality and detailing required to enhance the structure involved and its setting. The proposed development would, therefore, be detrimental to policy BHA2 and BHA9 of the Dublin City Development Plan 2022-2028, would create an undesirable precedent for similar type development in the City and would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development if approved would result in the poor levels of privacy and residential amenity for future occupiers of the property and would result in unacceptable levels of overlooking and loss of residential amenity of adjoining properties. The development would, therefore, be contrary to Appendix 18 of the Dublin City Development Plan 2022-2028, would create an undesirable precedent for similar type of development in the City and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the planning authority decision. Includes:

- The drawings at the new garden level, particularly to the rear of the extension, are not overly clear. It appears that the rear wall of the extension will be completely glazed. The shower room will be separated from the library/study area by a glazed screen and from the side passage area by a glazed timber screen. Several of the openings at this level are to be enlarged or altered and the application proposes an unusual arrangement between the existing structure and the new extension to the side which appears to be in place to create a hallway from the front entrance to the rear garden with little other use.
- The side extension, in particular on plan level, appears to be built inside the existing boundary wall but on elevations appears to use the boundary wall as part of the structure which is confusing and inappropriate.
- The side extension also involves the removal of almost all the side wall of the protected structure at this level which is an unacceptable loss of original fabric for little usable floorspace.
- The proposed side extension at upper ground floor level again appears to be over the existing boundary wall.
- The bedroom to the rear (upper ground floor level) will contain a large corner glazed area which will be approximately 5.5m from the side boundary with the adjoining property which would negatively impact on the adjoining property and on the future occupants of the property in terms of privacy and overlooking.
- The placement of the side and rear extension is questioned due to the impact on the adjoining properties and the minimal amount of useable floor space the side extension in particular obtains.
- The proposed sunroom, at first floor level, would again have a corner glazed element which would be 5.8m from the boundary with the adjoining property.

- The insertion of the sunroom would also require the changing of an existing stairway window to a doorway, thus losing more of the existing historic fabric of the protected structure.
- The property contains a large rear garden and the requirement for additional open/recreational space is not a priority. The sunroom would result in a third floor to the rear side extension which would not be in keeping with either the design of the existing property or the neighbouring units.
- The proposed side extension, in particular the timber clad sunroom with zinc roof, is considered to be visually inappropriate for a protected structure in a Z2 zoned area. The design of the side extension creates a visual imbalance between the protected structure and the new build element, with slightly differing window levels and parapet heights and poor choice of materials and detailing such as roof design.
- It appears from the front elevation drawings that the side extension would be built on top of the existing side boundary wall. The elevation drawing does not show the adjoining No.10 Winton Road, also a protected structure, that is directly adjacent to the boundary wall. The inaccurate drawings are unacceptable and do not correctly portray the impact the extension would have on adjoining structures.
- The design of the rear elevation of the proposed extensions is also considered inappropriate. The proposed windows at upper ground floor and first floor level are inappropriate in terms of their visual appearance. The inclusion of an 'etched lower' is considered a poor element of design, adding to the visual clutter of the overall design. The timber cladding is also considered to be a poor choice of materials for an extension to a protected structure.
- The separation distance between the new build element and apparent construction over the existing boundary with No.10 Winton Road is considered unacceptable and would result in a significant negative impact on No.10. There also appears to be windows on this elevation of No.10 which would be impacted.

- The proposed site plan and the railings drawing do not show the same arrangements for the proposed new entrance layout. Both the Transportation Planning Division and the Conservation Officer recommend that the proposals for the entrance be omitted from the application.
- The report quotes at length from the report of the Conservation Officer (Section 3.2.2 below). It considered that the additional information sought by the Conservation officer was too significant to be addressed through a request for further information.
- The report concludes that neither Appropriate Assessment nor Environmental Impact Assessment are required.

3.2.2. Other Technical Reports

Conservation Officer. Includes:

- Noted that the subject house is not recorded by the National Inventory of Architectural Heritage (NIAH). If it was it would be included as being of regional significance and architectural and artistic interest.
- The project architect is not an accredited conservation architect and their report does not fully adhere to the Architectural Heritage Protection guidelines for Architectural Heritage Impact Assessment (AHIA) reports. An AHIA to fully evaluate the impact on the No.42 Leeson Park and the immediately adjacent protected structures Nos.9 and 10 Wilton Road has not been submitted.
- The proposed development contravenes Policy BHA2 by being injurious to the special architectural character of all these properties.
- The proposed demolitions at lower ground floor are considered to be excessive as they would result in a significant and excessive loss of historic masonry fabric. The removal of the historic rear return would impact the legibility of the historic floor plan.
- The three storey part of the rear extension is excessive in height and would result in a negative visual impact to all three properties.
- The proposed side extension would be cantilevered over the shared boundary wall leaving a gap of just c.400mm to the rear elevations of the historic returns

of Nos.9 and 10 Winton Road. The rear elevations of the latter would no longer be accessible for maintenance of windows, render, service pipes and gutter. The rear windows would be blocked. The resulting visual impact would be negative.

- The historic front railings were originally constructed with a pedestrian gate. The existing vehicular opening resulted in a loss of historic ironwork and granite plinths. The proposed widening would result in further loss of historic fabric.
- The full extent of repair works, such as repairs to lime mortar and boast rear elevation render, is unclear.
- Insufficient details in relation to the reinstatement of the stairs from lower ground floor to upper ground floor.

Recommended additional information as follows:

- Revised drawings reducing rear elevation opening from 3777mm to 3000mm and retention of side elevation at lower ground floor and nibs of the rear return.
- Revised drawings omitting third storey sunroom and side extension.
- Revised annotated drawings retaining existing vehicular opening and omitting proposed pedestrian gate. Drawings at 1:20 and 1:5 of vehicular gates and hinge details. Method statement for construction of same.
- A schedule of all proposed repairs/interventions and method statement, including specifications for works, and marked/annotated drawings of extent of repairs.
- Detailed drawings and photographic samples for proposed lower to upper ground floor stairs, indicating materials and finishes.

Transportation Planning Division. Includes:

- Having regard to the associated required dishing splays of the kerb/footpath and parking setbacks to facilitate access and egress, a widening of the existing vehicular entrance , whether towards the north or the south, would

result in the loss of on-street parking and be contrary to Policy SMT25, Section 8.5.7 and appendix 5, Sections 4.1 and 4.3.1.

- On-street parking on Leeson Park is in high demand by residents as well as visitors and a loss of such parking would set an undesirable precedent.
- No objection subject to the entrance being retained at its current width and the pedestrian entrance being separated by a fixed gate post or similar.

Engineering Department – Drainage Division. Includes:

- No objection subject to standard conditions.

3.2.3. Observations to Planning Authority

Four observer submissions were lodged with the planning authority, three from the immediately adjacent properties (No.41 Leeson Park and Nos. 9 and 10 Winton Road). Issues raised include:

- Overlooking, overbearance and visual impact.
- Negative impact on protected structures and historic streetscape.
- Misleading/inadequate drawings.
- Design, height, materials and extent of glazing inappropriate.
- Access to adjacent properties for maintenance etc.
- Devaluation of adjacent properties.
- Architect not appropriately qualified.
- Undesirable precedent.

I note that the planning authority notified; Irish Water; Department of Housing, Local Government and Heritage; An Taisce; The heritage Council; Failte Ireland; and the Arts Council. No submissions received.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Development Plan

Dublin City Development Plan 2022-2028

The property is in an area subject to Zoning Objective Z2: *to protect and or improve the amenities of residential conservation areas.*

The property is a Protected Structure – RPS No.4335

Nos.9 and 10 Winton Road are also Protected Structures – RPS Nos. 8665 and 8662.

Policy BHA2, in relation to development of protected structures, includes:

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.

Note – the section labelling above (a, b, c etc.), which is clearly in error, is taken directly from the development plan

Policy BHA9, in relation to protecting the special interest and character of conservation areas, includes:

Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, where ever possible.

Enhancement opportunities include contemporary architecture of exceptional design quality, which is in harmony with the conservation area.

Section 15.15.2.3 sets down requirements for applications involving development at protected structures. These include:

All planning applications for development/works to Protected Structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment, in accordance with Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and chapter 6 and appendix B of the ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011), to assist in the assessment of proposals.

This report should be prepared by an accredited conservation architect or equivalent conservation professional/expert.

Appendix 18, Section 1.1, setting down general design principles for residential extension, includes:

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

Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However,

such proposals are still required to take account of the design issues outlined in this document.

Applications for extensions to existing residential units should:

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

Appendix 5, Section 4.1, referring to on-street parking, includes:

There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area.

Section 4.3.1, referring to dimensions and surfacing, includes:

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

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

Section 4.3.7, referring to parking in the curtilage of protected structures and in conservation areas, includes:

The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary.

5.2. Relevant Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Section 6.4, providing guidance on information to accompany an application for development to a protected structure, includes:

The level of documentation required to accompany a planning application works to a protected structure.... will depend on the scale, extent or complexity of the works involved. For example, works proposed to a confined area of a protected structure or works within the curtilage should not normally require extensive documentation regarding unaffected parts of the structure.

As indicated in the 2001 Regulations, a planning application for works to a protected structure.... must include (in addition to the normal requirements to supply maps and drawings) 'such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

Additional drawings to those required under Article 23 (1) of the 2001 Regulations may be necessary to describe proposed works to a protected structure.... These drawings should be clear, comprehensible and may need to be to a larger scale.

The drawn information accompanying a planning application should concentrate on describing those parts or elements of the structure which will be impacted upon by the proposed development. The drawings should clearly indicate the location of works and the extent of alteration of the existing fabric. All works comprising proposed reconstruction, alteration or extension must be marked or coloured on the drawings to distinguish clearly between the existing structure and the proposed work. Where interior works are proposed, every room or space to be affected should be annotated for ease of reference. Where there are separate survey drawings and proposal drawings, these should be set out and labelled for easy comparison.

It is a general requirement of planning applications that drawings of elevations should show the main features of any contiguous buildings. The level of detail available may be dependent on access issues in specific cases. Ideally, in the case of a protected structure..., buildings and other features of interest within the curtilage should also be indicated on elevational drawings.

...the photographs accompanying a planning application should concentrate on describing those parts or elements of the structure which will be impacted upon by the proposed development rather than provide an exhaustive survey of the development site.

The guidelines indicate that other particulars necessary to show how the development would affect the character of the structure, as referred to in Article 23(2) of the Regulations, may include:

- Architectural heritage impact assessment (AHIA). These may be required for more extensive or complex works with a potential to have a major impact on the architectural heritage. (APP. B to the guidelines).
- Method statement and specifications. These could be required for all works to the protected structure and any features of interest within the curtilage of the site which could affect their character and special interest.

Section 6.8, providing guidance on extensions, includes:

It will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and to keep them in viable economic use.

If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions.

Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

Section 7.5, providing guidance in relation to expertise, includes:

Building conservation is a specialised discipline and the method of work needs to be specified by experts with a knowledge and experience of historic buildings. Planning authorities, when discussing proposals with the owners or occupiers of protected structures, should encourage them to seek expert advice when considering undertaking works to their buildings. Where a protected structure is of particularly high quality or rarity, the use of conservation expertise by an applicant could be a condition of any grant of planning permission.

Section 7.7 includes:

The principle of promoting minimum intervention in a protected structure is best summed up by the maxim 'do as much as necessary and as little as possible'. Dramatic interventions in a protected structure are rarely appropriate.

5.3. Natural Heritage Designations

None relevant.

5.4. Environmental Impact Assessment (EIA)

5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and, therefore, the requirement for EIA screening or EIA does not arise. See EIA pre-screening form on file.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- There are many local examples of side and front additions to these properties.
- The proposed works are set well back from Leeson Park Road.
- The addition is a modest domestic works scheme.
- The rear addition is lower in height than other rear additions in the area. The rear elevations of these properties are mixed in design and poor in construction.
- The Conservation Officer recommended additional information not a refusal.
- The reference to poor amenity for future occupiers makes no sense. A single family seeks to refurbish property- it is their preferred design.
- Overlooking and overshadowing from Nos.9 and 10 Winton Road is very marked. No proposed side windows to Winton Road. The side windows to the new return would be 6mtrs from No.41 Leeson Park.
- The proposal is to restore a protected structure that was badly refurbished over 20 years ago (including multi-unit occupancy; basement stripped; plastic

windows, window boards and doors; saw cut street railings; and concrete cobble lock front yard).

- The proposed works to the rear and side are simple in form and aim to complement both the dreary façade of the main building and the side elevation.
- Folded zinc, cedar facing, lime render and simple joinery in natural finishes will combine with plain forms to enhance the period core of the building.
- The new works would be set well back from the main elevation and present a brick screen with granite parapet to complement the refurbished front façade. There would be minimal impact on the existing streetscape.
- The garden works to front and rear would enhance the building and provide for more usable garden space. The existing jagged and dilapidated front railings are to be partly reused for a new pedestrian gate and new replica vehicular gates.
- Responses to the observation submissions to the planning authority include:
 - Access concerns to Nos.9 and 10 Winton Road amount to an attempt to deny the applicants right to build on their own property.
 - There are existing side windows at No.41 Leeson Park. The applicants are happy to etch the proposed side windows.
 - The wall between No.42 Leeson Park and No.10 Winton Road is a party wall in the sole ownership of no one party.
 - All structural works are to happen within the applicant site and would not rest on the shared wall.
- The overall conservation import of the road comprises the front elevations and roofscape. The rear elevations merit little conservation consideration. Plenty of modern schemes complement old buildings while mock period returns detract from such buildings. There are ample local precedents.
- Proposes amendments to scheme, including; upper return set further off the boundary; rear windows re-sized; side windows fully etched; and reduced removal of existing rear wall. Over-marked drawings attached.

- Accepted that further items of information may be required subsequent to grant of permission, including; materials and boundary treatment confirmation; additional information requested by Conservation officer; and minor scheme modifications.
- Submission includes photographs.

6.2. **Planning Authority Response**

The Board is requested to uphold the planning authority decision. In the event of a grant of permission a condition requiring a Section 48 Development Contribution should be applied.

6.3. **Observation**

This is lodged on behalf of Paul Sheridan and Megan Munsell, No.9 Winton Road. Includes:

- The application drawings do not adequately detail the boundary conditions between the subject properties, including; the ground floor windows to Nos.9 and 10 Winton Road; the abutting rear facades of Nos.9 and 10; and the external services along the boundary wall. Reference to the requirements for plans and elevations in relation to protected structures as set out in the Planning Regulations.
- Side returns in the area are almost all features of the original designs and mostly leave considerable room to their party boundaries – photographs attached. A ‘terraced’ arrangement between separate urban blocks of protected structure typologies would not be supported by DHLGH guidelines.
- The appeal does not address the issues raised by the planning authority Conservation Officer.
- The side extension is not realistic. The width required cannot be achieved without compromising the built condition of Nos.9 and 10 Winton Road. The side extension layout also compromises the original staircase layout.
- The amendments suggested by the applicants are not supported. Etched windows are not a credible solution to overbearing/overlooking extensions;

the set-back proposals are vague and at least 1m between wall surfaces would be typically adopted but only where a gable extension is acceptable on conservation grounds – not in this case; any return above lower ground floor level should be supported by the planning authority and take cognisance of the extant boundary windows of Nos.9 and 10 Winton Road; and the proposal requires a conservation assessment to identify priorities for works, methodologies, materials etc.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the planning authority reasons for refusal and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Introduction
- The Interventions and Alterations to the Protected Structure
- The Design of the Extension
- The Impact on Adjacent Properties and Residential Amenity
- The Entrance
- Appropriate Assessment
- Conclusion

7.2. Introduction

7.2.1. As indicated No.42 Leeson Park was most recently divided into three separate residential units, one on each floor. This sub-division involved several interventions, including; clearing and reconfiguration of the basement; the insertion of partition walls; the insertion of bathrooms into living rooms and bedrooms; removal of original fireplaces; alterations to some joinery; replacement plastic windows in several places; crudely cut through front garden railings; cobble lock to the front drive etc. The extent of alteration is clearly illustrated in the Architectural Record document submitted with the application – this comprises a detailed photographic record of the house as it was sub-divided into three units.

- 7.2.2. The proposed development is to restore the house to its original use as a single family dwelling. This, in my view, is the most significant element of the application and, in itself, represents the biggest 'win' in terms of conservation. This sets the context for my assessment of the issues below.

7.3. The Interventions and Alterations to the Protected Structure

- 7.3.1. Issues to be dealt with under this heading include; the question of appropriate conservation expertise; the standard of documentation submitted with the application, including the drawings; the requirements of the regulations for such documentation; and the matter of loss of historic fabric.
- 7.3.2. The planning authority Conservation Officer advises that the project architect is not an accredited conservation architect. While the development plan certainly encourages that proposed works to protected structures be supported by relevant conservation expertise it is not an absolute requirement that the architect be accredited in this way (See Section 5.1 above, Policy BHA2(c) and Section 15.15.2.3). Similarly the Architectural Heritage Protection Guidelines (AHPG) encourage such expertise but, unsurprisingly, do not specify specific qualifications or accreditation (See Section 5.2 above, Section 7.5). It is noteworthy that the issue was clearly not determinative in either the recommendation of the Conservation Officer or in the decision of the planning authority.
- 7.3.3. The planning authority Conservation Officer also advises that the Architectural Impact Proposal document submitted with application does not fully adhere to the AHPG guidelines for Architectural Heritage Impact Assessment (AHIA) reports. The AHPG advises that such reports may be required for more extensive or complex works with a potential to have a major impact on architectural heritage (See Section 5.2 above, Section 6.4). I would not characterise the proposed development in these terms. The development plan appears more strident in relation to the requirement for an AHIA but it references the AHPG in doing so. It also references Article 23(2) of the Planning Regulations but this article does not require an AHIA but rather requires such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure (See Section 5.1 above, Section 15.15.2.3). As already indicated (Section 2.2 above) the application is accompanied by; Planning and Heritage Method Statement; Architectural Impact

Proposal; and an Architectural Record. While one might argue about the level of detail provided, the information submitted, in my view, does generally meet these requirements. Again it is noteworthy that the issue was not determinative in either the recommendation of the Conservation Officer or in the decision of the planning authority.

- 7.3.4. The planning authority Planning Report cites issues with the submitted drawings. In relation to the party wall with Nos.9 and 10 Winton Road the confusion between plans and elevations seems to arise because the original proposal provided for the lower ground level side extension to be built inside the party wall with the upper levels cantilevered over the wall as far as the midpoint. The applicant has clarified in the appeal submission that the extension would be entirely constructed inside the party wall and amended drawings have been provided – see Drawing No.9 (PG09). Another issue raised is the absence of details for the adjacent No.10 Winton Road on the front elevation drawing. While some detail was omitted from the original drawing (probably over written to provide for specifications) this is corrected in the revised elevation drawing submitted with the appeal – see Drawing No.8 (PG08BB). The adjacent elevation is correctly shown on the original rear elevation drawing – see Drawing No.9. It is also stated that there is a discrepancy between the site plan and the railings drawing in relation to the proposed new entrance. The discrepancies in question are slight.
- 7.3.5. I am satisfied that any perceived lack of detail arising from the matters considered above could be appropriately addressed by condition, in the event of a grant of permission for the proposed development. Such conditions could be similar in scope to the items recommended for further information by the planning authority Conservation Officer, namely, those in relation to method statements, specifications and detailed drawings for proposed works, all to be agreed prior to the commencement of the development.
- 7.3.6. The final issue under this heading is the matter of loss of historic fabric as a result of the proposed development. It is clear that the development plan and, in particular the AHPG which it references, promotes the notion of minimal intervention in protected structures in order to safeguard historic fabric and built heritage features. This is a well-recognised and accepted approach in conservation. However, the AHPG guidelines do also explicitly acknowledge that it will often be necessary to permit new

extensions to protected structures in order to make them fit for modern living and to keep them in viable use (See Section 5.2 above, Section 6.8). This clearly requires a balance to be struck.

- 7.3.7. As previously mentioned the primary conservation gain in the current proposal is the restoration of the house to single family occupancy. This provides the best guarantee for its future upkeep. In this context I do not consider that the proposed interventions are excessive or that they would give rise to an excessive loss of historic fabric.
- 7.3.8. The demolition of the small rear return, whether it is original or not, would not be significant and can be justified, in my view. The proposed alterations at lower ground floor level are relatively modest in an area that was previously heavily modified and noting that the basement was, by definition, originally one of the less important areas of the house. The alterations being proposed at this level are to facilitate a garden level extension and living area in keeping with modern requirements/expectations. At upper ground floor level, the principal reception and grandest area within the house, the proposed loss of historic fabric is very modest and the primary focus of the proposed works is to restore the original layout and to facilitate a relatively modest extension to provide for modern conveniences. At first floor level the proposed interventions to historic fabric are even more modest, comprising only a new doorway at the stair return to facilitate access to the proposed sunroom and in an area that might have been previously altered or originally designed to provide for access to a larger return. The proposals for the entrance to the front garden involve very minimal if any further loss of original railings and are very much focused on restoring the original boundary treatment across the front of the property but again in a way that meets modern living requirements.
- 7.3.9. In conclusion, therefore, I do not consider that any of the issues arising here support the decision of the planning authority to refuse permission for the reasons as stated.

7.4. The Design of the Extension

- 7.4.1. Under this heading I consider the design of the proposed extension in itself and relative only to No.42.
- 7.4.2. The planning authority's first reason for refusal refers to a failure to demonstrate a high quality of design, materiality and detailing sufficient to enhance the structure involved and its setting. The Planning Report elaborates on the thinking behind this.

It indicates that a third floor renders the extension out of keeping with the house and neighbouring houses. It raises issues with the proposed finishes and proportions. It refers to the timber cladding, zinc roof and window etching as inappropriate visually. It considers the proposed upper level rear windows to be visually inappropriate. It considers that the design of the side extension would create a visual imbalance between the protected structure and the new build element, with slightly different window levels and parapet heights and a poor choice of materials for the roof design. The Conservation Officer also considers the three storey part of the rear extension to be excessive in height and that it would result in a negative visual impact. It considers that the proposal would contravene development plan policy BHA2 by being injurious to the special architectural character of the property and adjacent properties.

- 7.4.3. I do not agree with these assessments. In this I reference, in particular, the AHPG guidelines and which are also referenced within the development plan policy BHA2. While seeking to protect the character and setting of protected structures the guidelines also make it clear that new extensions will often be necessary as previously referred to. In terms of design approach the guidelines advise as follows:

Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

- 7.4.4. As before there is a balance to be struck. I do not agree that the three storey element of the proposed extension is excessive. The house itself is three storey as are most of the houses in the area. The extension would still be below existing eaves level. The adjoining house, No.41, has a three storey rear extension and there is a significantly larger extension to the rear of a house a short distance to the north. It is not clear to me what the difficulty is with the proposed finishes and window proportions at the rear. Subject to appropriate specifications and method statements, as might be required by condition, I see no reason why a high standard of design and finish cannot be achieved. The extension is clearly designed as a contemporary

addition to the house and will be easily legible as such. It is also mostly to the rear of the property. It is noteworthy that the two storey side element is to be fronted in a much more restrained fashion, featuring a brick elevation and a window proportion that echoes the windows in the front elevation of main house. I disagree that it would create a visual imbalance as the extension would be clearly subordinate to the main house and hence the reduced window size is appropriate. The side extension would also be set well back from the main elevation of the house with the protruding element of the rear extension even further back. The impact on the streetscape would be minimal. Whilst not determinative in this proposal it is also the case that there are other examples of contemporary side and rear extensions in the area.

7.5. Impact on Adjacent Properties and Residential Amenity

- 7.5.1. This includes the issues set out in the planning authority's second reason for refusal and the specific impacts on No.s9 and 10 Winton Road. The observer submission is particularly focused on the latter.
- 7.5.2. The concerns in relation to overlooking arise from the expansive side windows proposed for the new upper ground floor bedroom and the first floor sunroom. The windows would be less than 6ms from the boundary with No.41 and would afford clear views into the rear of that property. While I agree with the applicant that there are side windows in other rear extensions in the area, including No.41 Leeson Park, though these are much smaller, I am inclined to agree with the planning authority that the proposed windows would give rise to excessive overlooking. In mitigation the applicant has proposed some resizing to the windows and a fully etched finish. I do not consider that etching over such a large area would be satisfactory. In my view the side windows should be significantly reduced in width, say to no more than 500mm from the outer corner. These reduced side windows could be etched and the rear facing windows could be enlarged if required, say by up to 1m or the width as shown on the rear elevation drawing for the sunroom - Drawing. No.9 (PG09). These requirements, or similar, could be the subject of a condition and would overcome the overlooking objection.
- 7.5.3. In my view the real difficulty in relation to the proposed development is the impact on No.s9 and 10 Winton Road.

- 7.5.4. The layout of these properties, which are also protected structures, relative to the subject property is unusual in that the two semi-detached houses are built out right up to the party boundary. Both rear elevations include windows, with cut-outs into the party wall, and services, including air ducts, a flue, guttering and drainage pipes. The proposed extension, even as modified to sit completely inside the boundary wall as suggested in the applicants appeal submission, would effectively cut off light from the windows and cut off access to the windows (external) and the services. It's unclear what impact there might be on the operation of the air ducts and flue and access for maintenance purposes would be extremely difficult if not impossible.
- 7.5.5. I have some sympathy for the applicants in thinking that the observers concerns here are tantamount to denying the applicants their right to build on their own property. However, any proposal for development on a property can be constrained as a result of impacts that might arise for adjacent properties, such as overlooking, overshadowing etc. It is also the case, in my view, that the somewhat idiosyncratic layout of the properties at this location contributes to their interest and heritage value. Proposed developments in such areas need to take this into account.
- 7.5.6. I find, therefore, that the proposed extension would give rise to a significant negative impact on these adjacent protected structures. In this way the proposal would be contrary to Policy BHA2(b) of the development plan, which refers to protecting protected structures from any works that would negatively impact their special character and appearance, and consequently that it would be contrary to the proper planning and sustainable development of the area.
- 7.5.7. In the event of some accommodation being reached between the parties it might be possible to overcome these difficulties but this is clearly not the case in the current application.
- 7.5.8. I agree with the applicants that the planning authority reference to poor levels of residential amenity for future occupiers of the house makes little sense. The refurbished and extended house would, in my view, provide a very high level of amenity for the occupiers. In this the applicants are presumably pursuing their preferred design.

7.6. The Entrance

- 7.6.1. The planning authority Conservation Officer raises concerns that the proposed new entrance arrangement would result in the loss of historic fabric, iron railings and granite plinth. The Transportation Department require the vehicular entrance to be retained at its current width due to concerns about the loss of on-street parking that it considers would result from the proposed new arrangement. The relevant development plan provisions are those in Appendix 5 (see Section 5.1 above).
- 7.6.2. The existing vehicular entrance involved a crude cutting back of the front garden railings. The existing opening is about 2.7m in width. It is proposed to widen this to 3.2m and fit new gates to match the existing ironwork. A separate pedestrian gate of 900mm in width and made up from recycled railings would also be provided. The effective reinstatement of appropriate ironwork and the reuse of the existing would more than make up for any loss, if there is any, of historic fabric.
- 7.6.3. The development plan indicates two standards for vehicular entrances that are hard to reconcile. In most situations a maximum width of 3m is specified but this is reduced to 2.6m, including the pedestrian entrance, in conservation areas. It should be noted that along Leeson Park there are several examples of vehicular entrances to houses, and that appear to be original, that are over 3m wide. I see no reason to raise any issues with the vehicular entrance width as proposed. The extra width is also, in my view, entirely reasonable to meet modern living requirements that include the use of larger cars than heretofore.
- 7.6.4. It also appears to me, given the layout of the on-street parking in the immediate vicinity of the entrance, that there should not be any loss of on-street parking spaces.

7.7. Appropriate Assessment Screening

- 7.8. Having regard to the nature and scale of the proposed development, being a domestic extension, and the nature of receiving environment as a built up urban area and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reason.

9.0 Reasons and Considerations

Having regard to the existing relationship between the subject property and No.s9 and 10 Winton Road, which are also protected structures, it is considered that the proposed extension along the party boundary would unduly interfere with access to light to windows and access for maintenance and servicing purposes to windows and to the various service installations in the rear wall of those houses. The proposed development would be contrary to development plan Policy BHA2(c) which seeks to protect protected structures from any works that would negatively impact their special character and appearance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

B. Wyse
Planning Inspector

22 January 2025