



An
Bord
Pleanála

Inspector's Report

ABP-321018-24

Development	Solar Panels on roof of Protected Structure		
Location	10 Ontario Terrace, Ranelagh, Dublin 6 D06 W573		
Planning Authority Ref.	4059/24		
Applicant(s)	Timothy McCormick		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission with Conditions</i>
Type of Appeal	<i>First vs Conditions</i>	Appellant	<i>Timothy McCormick</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>11/12/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 10 Ontario Terrace being a mid-terrace three storey period property located in Ranelagh Dublin City. The property is listed as a Protected Structure in the statutory development plan serving the area.

There is a access lane to the rear of the property.

There is a double pitched roof on the property

2. Description of development. *The proposed development comprises of*

- Permission for the installation of solar panels on the two south facing pitches of the roof (located to the rear)
- Ancillary internal works

3. Planning History.

- Planning Reg. Ref. 3990/21 granted for planning permission for a self-contained unit at basement level

Adjacent

- Planning Reg. Ref. 3139/24 granted for solar panels on the adjacent dwelling, 13 Ontario Terrace (on the same roofs as that currently being proposed under this appeal albeit not as many panels are proposed)

4. National/Regional/Local Planning Policy

Dublin City Development Plan 2022-2028

- Dublin City Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective 'Z2' – To protect and/or improve the amenities of residential conservation areas
- Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2
Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- Policy CA12 Micro-Renewable Energy Production: To support, encourage and facilitate the development of small scale wind renewable facilities / micro-renewable energy production.

- Policy BHA2 Development of Protected Structure

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.
- e) 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.
- f) 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.
- g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

- i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- j) Have regard to ecological considerations for example, protection of species such as bats

5. Natural Heritage Designations

The nearest designated sites are:

- Grand Canal pNHA (Site code 002104) is located 100 metres to the north of the site
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 3km to the east of the site.
- South Dublin Bay SAC (Site Code 000210) is located 3km to the east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was granted on the 13th September 2024 subject to 7 conditions. Conditions of note include for:

- Condition No, 2: Monitoring of works by conservation specialist
- Condition No. 2(c) i states 'The applicant shall submit revised drawings showing the proposed solar roof panels omitted from the rear/south facing slope and located to the central valley roof or the roof of the rear return'
- Section 48 Development Contributions have not been applied.

7. Submissions

None received

8. Internal Reports

- Conservation Officer (dated 4th September 2024) – recommends that the proposed development be granted subject to conditions. The report recommends that the solar panels are omitted on the rear southern roof and relocated to the central valley roof or the roof of the rear return

- Engineering Dept. Drainage (7th August 2024) - no objection

9. First Party Appeal.

A first party appeal against condition 2(c)i was lodged by O'Carroll O'Riordan Architects obo Timothy McCormick on the 9th October 2024. The appellant raises the following issues:

- That they invite the Board to omit this condition
- That it's virtually impossible to see the roof of 13 Ontario Terrace.
- That there are 5 panels proposed on the south facing slope and only 2 would fit on the rear return as suggested in the condition. It would not be economically feasible to implement the works if the condition were imposed.
- The appellant is seeking to future proof his house whereas at the same time respecting the historical fabric of the protected structure.
- That he considers that the reason why 10 Ontario Terrace has been listed as a protected structure is because of its streetscape value as part of a harmonious and continuous terrace of similar 19th Century 2 and 3-storey over basement houses. The panels will not be visible on the streetscape.
- That permission was granted for solar panels in the same location on the adjacent property No 12 Ontario Terrace in 2024 under Planning Reg. Ref. 3139/24. These panels are now in-situ

11. Observations

None received

12. Planning Authorities Response

None received

Environmental Screening

13. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore

arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

.14. AA Screening

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

The subject site is located within the vicinity of the following Natura 2000 sites;

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 3km to the east of the site.
- South Dublin Bay SAC (Site Code 000210) is located 3km to the east of the site

The proposed development comprises of domestic alterations to an existing private residential property in a city suburb. 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 minor nature of the works proposed
- The distances to the nearest Natura 2000 site and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

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

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

2.0 Assessment

2.1. Introduction

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters-

- Principle of Development
- Visual Amenities/Precedent

2.2. Principle of Development

2.2.1. The proposed development site is located within an area designated with zoning objective Z2, in the Dublin City Development Plan 2022-2028. Zoning objective Z2 seeks *'To protect and/or improve the amenities of residential conservation areas'*

2.2.2. Regard is also had to Policy CA12 of the plan which specifically seeks *To support, encourage and facilitate the development of small scale wind renewable facilities / micro-renewable energy production.*

2.2.3. Having regard to the above zoning objective and policy with respect to renewable infrastructure, I consider that the principle of the proposed solar panels at this location is acceptable.

2.3. Visual Amenities

2.3.1. The only proposed external modifications which will result as a consequence of the proposed development are to be on the rear roofs of the existing building on site which consists of a double gable – an inner south facing slope (in the valley) and an outer south facing slope. Five panels are proposed for each of the slopes.

2.3.2. Condition No. 2(c) i of the councils order states that *'The applicant shall submit revised drawings showing the proposed solar roof panels omitted from the rear/south facing slope and located to the central valley roof or the roof of the rear return'*

- 2.3.3. The appellant states that compliance with this condition is not possible as only two panels will fit onto the rear return and the number of panels proposed makes the development economically unviable.
- 2.3.4. I note that a Conservation Impact Statement was submitted with the application.
- 2.3.5. The key consideration of this case therefore is as to whether the proposed solar panels on the southern slope of the roof, omitted by condition by the planning authority, impacts upon the visual/conservation quality of the building which I note is a protected structure.
- 2.3.6. While the conservation officer accepts the use of solar panels, it is clear from the report on file that she does not want them to be visible from adjacent streets and in particular she states that the said solar panels will be visible from Ontario Court and Banaville to the rear of the terrace, hence she recommends that the panels be relocated to a different roof profile where they would not be visible. I would consider that she is correct in this assertion and the said panels would be visible from the rear of the premises particularly from Ontario Court but at the same time they would be barely visible. I note that the conservation officer refers to Policy BHA2 Development of Protected Structure in her report
- 2.3.7. I also note that she raises no issues with respect to internal works.
- 2.3.8. The Conservation Officer therefore recommends that a condition be applied stating; *'The applicant shall submit revised drawings showing the proposed solar roof panels omitted from the rear/south facing slope and located to the central valley roof or the roof of the rear return'*
- 2.3.9. I note first off that the appellant rightly points out that solar panels have been permitted by the city council on the adjacent property No 12 Ontario Terrace in 2024 under Planning Reg. Ref. 3139/24. These panels are now in-situ and are visible from Ontario Court which serves as a rear lane to serving the rear gardens of this terrace.
- 2.3.10. The appellant also states that it is not possible to move the panels from the rear south facing slope to the central valley roof or rear return as there is simply not enough space on the roof to accommodate the same.

2.3.11. Having regard to the foregoing, and in particular the precedent set by No. 12 Ontario Terrace, I consider that the proposed development and in particular the placement of panels on the rear roof profile is acceptable.

2.3.12. It is therefore recommended that Condition 2(c) i is omitted

3.0 Recommendation

3.1. I recommend that Condition 2(c) i is omitted.

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.

Andrew Hersey
Planning Inspector
23rd January 2025