



An
Coimisiún
Pleanála

Inspector's Report

PL-501105-DS-26

Development	Partial demolition, domestic extension and refurbishment works to a protected structure
Location	85 Haddington Road, Dublin D04W2N1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1095/26
Applicant	Siobhan O'Dea
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party v. conditions
Appellant	Siobhan O'Dea
Observers	None
Date of Site Inspection	8 June 2026
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. No.85 is a mid-terrace Georgian property on the southern side of Haddington Road. In common with the remainder of the terrace the house is 3 storey with a substantial external stairs to the main entrance and reception areas at upper ground floor level. The lower ground floor (or basement) is at garden level. The house includes a substantial, three storey, rear return. There are front and rear gardens.
- 1.2. The house is currently configured as two residential units. The lower ground floor comprises a one bedroom apartment with a separate access via double doors to the front garden. There is a conservatory addition to the rear return at this level. The upper two floors comprise a four bedroom house. There is an external stairs from the upper ground floor level in the rear return providing access to the rear garden from the house.

2.0 Proposed Development

- 2.1. The proposed development comprises the following.

Works to Lower Ground Floor:

- Demolition of single storey conservatory and removal of external staircase to rear return.
- Widening of openings at front and rear elevations.
- Reopening of historic door opening and forming two new window openings to the rear.
- Removal of internal partition walls and making good internal walls affected by damp.
- New single storey extension to the rear containing an accessible bathroom. This would effectively replace the conservatory.
- A screen wall to the rear line of the return and a new external staircase to provide access from the upper ground floor to the rear garden.
- Installation of a new kitchen and general decoration works.

Works to Upper Ground Floor:

- New landing/deck with 1.8m high screening and the alteration of an opening to form a door to provide independent access to the rear garden.

The application cover letter states that the main purpose of the application is to upgrade the lower ground floor accommodation/apartment to provide a dry, warm and fully accessible dwelling. While some upgrade works were undertaken in the 1990's the apartment is now in poor condition. In particular, there is significant moisture ingress to the rear return, rendering part of the unit uninhabitable. The primary source of this moisture has been identified as the existing granite steps which provide access from the upper ground floor to the rear garden. Numerous attempts to damp proof have not been successful. It is, therefore, proposed to dismantle the granite steps with the intention of reusing the stone on site. The drawings indicate the granite being used in the garden/amenity area for the lower ground floor accommodation.

The reconfiguration of access arrangements to the rear garden allows for the creation of a small courtyard for the exclusive use of the lower ground floor apartment. The remainder of the rear garden would serve the house.

The application is also accompanied by an Architectural Heritage Impact Assessment (AHIA).

3.0 Planning Authority Decision

3.1. Decision

The decision to grant permission is subject to seven conditions. Six of these are standard. Condition 2, the condition under appeal, reads as follows:

2. The applicant shall comply with the following Conservation Section requirements:

- (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.*
- (b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:*

- (i) *A detailed conservation method statement and specifications for all proposed new work including conservation works,*
- (ii) *The proposed removal and/or relocation of the historic external granite steps, wrought-iron balusters and handrail shall be omitted from proposed drawings. The applicant is requested to consider a revised design strategy to allow for the retention and presentation of the external historic granite steps, wrought-iron balusters and handrail, as considered in recently granted planning applications at 42 Waterloo Road (DCC Reg. Ref. 4234/22) and 4, 6, 8 and 10 Elgin Road (DCC Reg. Ref. 3973/18),*
- (iii) *The source of damp shall be confirmed by the conservation architect prior to any interventions being undertaken. A revised methodology based on an assessment of the source and levels of existing damp shall be provided, that shall be of passive means and in accordance with best conservation practice. The methodology shall retain breathability and primary fabric.*

The most suitable methods of addressing damp include the removal of hard landscaping at the base and the introduction of French drains externally, removing cementitious render/paints to expose and address any underlying issues, allowing the wall to dry out prior to re-rendering in lime render, repointing the external steps in a lime mortar as necessary, the use of breathable lime plasters internally, and ensuring that the lower ground floor space is adequately ventilated. The CO would encourage the applicant to request a consultation meeting to review a damp-proofing mitigation strategy that would meaningfully mitigate the heritage impacts to the Protected Structure,

- (iv) *Revised specifications and drawings for the proposed windows and doors. The proposed windows shall be of timber or steel. The proposed sidelights to the front elevation shall be omitted,*
- (v) *The applicant shall provide a method statement for the removal of the conservatory and the making good of adjoining historic fabric,*
- (vi) *The new extension shall be constructed inside the boundary of the site (i.e. inside the historic boundary walls). 1:20 drawings of the foundations of the proposed extension shall be provided, incorporating an offset that would ensure no impact on the historic boundary walls. 1:10 flashing details for junctions between the new extension and the historic structure shall be submitted together with details of all proposed finishes and materials,*
- (vii) *1:50 detailed drawings, cross-referenced against a photographic survey of the extant historic boundary and party walls, including dimensions, details of material, sizes of stone, coursing, and mortar colour etc together with conservation-led methodologies for the retention and protection of the boundary walls during the course of works. Schedules of repair works to the*

historic boundary walls shall be submitted together with methodologies for the raking out and repointing of the stonework and associated repair details, details of the historic stone coursing, sizes of stone as well as mortar colour and full details of all proposed new elements, such as toothing-in and repair works shall be provided. New work shall match the historic walls,

- (viii) Specifications and 1:10 drawings for the proposed external steps and balustrade shall be provided,*
- (ix) The proposed pergola and any associated planting would reduce natural light to the already dark lower ground floor and shall be omitted along with the proposed decking,*
- (x) Specifications and visual samples for the proposed stone paving shall be submitted.*
- (xi) Existing service runs shall be reused where possible in order to minimise the impact on historic fabric,*
- (c) During the course of the development, the applicant shall submit for the written approval of the planning authority:*
 - (i) The applicant shall prepare small sample areas (1mx1m) of removal of render where required, raking out, repointing of the return and boundary walls and rendering of the rear return and flat plaster repairs to the interior. The proposed pointing shall be in NHL lime mortar. The proposed render to the exterior and flat plaster to the interior and render shall be in NHL2 lime render and plaster.*
- (d) The proposed development shall be carried out in accordance with the following:*
 - (i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.*
 - (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.*
 - (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.*

(iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure 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 Report

Basis for planning authority decision.

In so far as Condition 2 of the decision to grant permission is concerned the assessment is largely based on the report of the Conservation Section (see below) but with some minor departures, namely;

- Detailing of proposed new windows and doors to the rear considered acceptable but agreement that materials should be timber or steel.
- The proposed new 1.8m timber trellis would provide screening for neighbouring properties and is considered acceptable in planning terms.

The report welcomes the refurbishment works to the property and the upgrading of the accommodation which it states will ensure its long term use.

The report indicates no requirement for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

Conservation Report

Primary basis for Condition 2. Includes:

It is recommended by the RIAI that a GI or GII Conservation Architect or equally experienced conservation structural engineer or conservation surveyor be employed in the required analysis, assessment, design and specifying of works to Protected Structures.

- *The submitted Conservation Report is limited and does not contain a method statement, beyond a description of the scope of the proposed works.*
- *The (rear granite) steps are shown clearly on the Ordinance Map of 1888 as extending from the rear elevation along the side of the return, with similarly located flights of steps shown to the rear of the adjoining houses on the terrace. The historic stairs to the rear of the house is an important, original architectural feature. Constructed of Leinster granite and wrought-iron railings, the stairs contributes to the special architectural and historic character of the Protected Structure.*
- *...the proposed removal of the historic external steps would impact the legibility and understanding of the original form of the return and the features to the rear and would be detrimental to the special architectural character of the Protected Structure.*
- *The applicant proposes to seal the wall and make good the walls affected by damp using bricks, lime mortar and lime plaster internally. It is not clear how the applicant proposes to 'seal' the wall. The installation of a non-breathable material or tanking would not be supported as it would prevent the traditionally constructed building from regulating moisture effectively and could potentially cause further damage to adjacent walls and structures.*
- *The side/west elevation of the return incorporates a chimney breast. The stack has been removed previously due to structural issues and the fireplaces blocked up at some point in the past. In addition to trapping moisture, the existing cementitious render may be concealing underlying structural cracks or weaknesses in the chimney breast. Additionally, previous attempts to address damp in the return may have exacerbated this matter.*
- *On the front elevation, the applicant proposes to enlarge the existing door opening to create two side lights. The present French doors are non-original, having replaced a sash window in this location, however the splayed reveals are still evident to the interior. The proposed new sidelights would contain one-over-one pane sash windows. A similar Wyatt type arrangement is evident at lower ground level in some of the adjoining houses. However, the proposed*

intervention would eradicate the splayed reveals, resulting in a loss of original fabric, and would further undermine the character of the front elevation. The proposed sidelights shall be omitted.

- *The proposed windows would be tilt and turn or outward opening casements. The detailing of the proposed casements is not sympathetic. The use of aluminium or uPVC are not acceptable.*
- *As with the windows, the detailing of the proposed doors is not sympathetic.*
- *The applicant shall submit a revised specifications and drawings for the proposed windows and doors. If casement windows are proposed, they shall be plain casements. The proposed windows and doors shall be of timber or steel.*
- *The drawings submitted do not represent an accurate reflection of the extant arrangement of boundary walls and primary structure.*
- *The incorporation of a 1800mm high screen is problematic from a conservation perspective.*
- *The AHIA states that there is insufficient natural light to the lower ground floor, however the proposed pergola and associated planting would further reduce natural light to the lower ground floor. It is therefore recommended that the pergola be omitted.*
- *The applicant proposes to replace the existing brick paving to the rear with a timber deck and new sandstone paving to the courtyard and the rear garden, retaining the existing soft landscaping. While the proposed stone paving is acceptable in principle, decking is problematic, as it can pose a safety risk when wet, and is a suitable environment for pests. It would visually detract from the special character of the rear of the Protected Structure and shall be omitted.*

Drainage Division – no objection subject to standard conditions.

3.3. Prescribed Bodies

Uisce Eireann, Irish Rail, National Transport Authority, The Heritage Council, Department of Housing, Local Government and Heritage, Failte Ireland, Arts Council and An Taisce – no comments received.

Transport Infrastructure Ireland – request section 49 development levy.

3.4. Third Party Observations

None received.

4.0 Planning History

PA Ref. 0485/08

This is a 2008 Section 5 Declaration of exemption for the following works:

Reinstatement of modern kitchen & floors.

Redecoration following house fire.

Repair/reinstatement of all valley gutters & r.w.p.

Repair/repainting all doors & windows & all other incidental works.

PA Ref. 2491/99

This is a 1999 permission to remove chimney from the rear return of the house, for the demolition of a garden shed and the erection of a greenhouse (conservatory).

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2022-2028

Zoning: Z2 – To protect and/or improve the amenities of residential conservation areas.

No.85 Haddington Road is a protected structure – RPS Ref. 3452.

Chapter 11 Built Heritage and Archaeology

Policy BHA2 – 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) (sic) 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) (sic) 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.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

Policy BHA9 – Conservation Areas

To protect the special interest and character of all Dublin's conservation areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. 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, wherever possible.

5.2. Relevant Ministerial Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities – Department of Arts, Heritage and Gaeltacht, 2011

Chapter 6 Development Control

Paragraph 6.4.3 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.

Paragraph 6.4.14 includes:

Written Statement – advised that a brief statement is a useful tool to explain the rationale for the proposed development.

Architectural Heritage Impact assessment – advised that for more extensive or complex works with the potential to have a major impact on the architectural heritage, a planning authority may require a more detailed impact statement.

Method statement and specification – advised that these could be required for works that affect character and special interest.

Paragraph 6.4.16 includes:

A method statement and specification 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.

Paragraph 6.7.2 includes a number of conditions that could be attached to a permission relating to a protected structure, including:

- (a) agreement in writing with the planning authority of particular specifications which would be required in order to carry out a development in accordance with good conservation practice;*

- (e) site supervision and project management by personnel suitably qualified in conservation during the progress of the works;*
- (j) monitoring of the works by an architect with conservation expertise and certification on completion that the works have been carried out in accordance with good conservation practice...;*

Paragraph 6.8.1 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.

Paragraph 6.8.2 includes:

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.

Chapter 7 Conservation Principles

Section 7.7 – Promotes minimum intervention.

5.3. Natural Heritage Designations

None relevant.

6.0 Environmental Impact Assessment (EIA)

- 6.1. 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. See Form 1 in Appendix below.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a first party appeal lodged against Condition 2 only of the planning authority decision. It is stated that the purpose of the appeal is to seek clarification or amendment of the condition so that the permission may be implemented in a manner consistent with proper planning, conservation best practice and the sustainable long-term use of the protected structure as a family residence. The main grounds can be summarised as follows:

- By reference to the well-established test of proportionality in relation to planning conditions it is submitted that several parts of the condition extend beyond what is necessary or relevant to protect the architectural character of the protected structure.
- Several elements of the condition would require extensive documentation and surveys relating to elements of the structure that are not materially altered by the proposed works. They would impose a level of regulatory control disproportionate to the scale and location of the development which is largely confined to the lower ground floor and rear return of the building.
- In relation to the proposed alterations to the lower ground floor front opening the splayed reveals are not original fabric. They were introduced following late twentieth century alterations by the applicant when the original sash window had already been removed and replaced with French doors (Sketch drawing enclosed).
- In relation to the boundary wall this is not an exposed historic stone boundary wall but a modern brick wall constructed above an earlier stone wall and finished with cement render and precast capping (Sketch drawing and photographs enclosed).
- The wall was previously altered by the applicant in connection with the construction of a greenhouse in the late twentieth century – PA Ref. 2491/99 refers. The proposed development replaces this greenhouse with a modest extension in broadly the same location.
- The level of intervention to the wall is further reduced by; structural loads will be carried by new internal and external walls; no structural bearing will be placed on the boundary wall; and the only intervention will be a cut chase for flashing into the modern sand cement render.

- In relation to the granite steps the historic significance of these is acknowledged. Continued use in the current location would create overlooking and traffic within the amenity space of the garden level apartment. The historic granite material is to be retained and reused.
- Retaining the steps in situ would constrain the ability to address moisture ingress affecting the rear return wall and the lower ground floor accommodation. The view expressed in the AHIA that the steps are a likely source of moisture ingress is supported by specialist damp investigation (report enclosed).
- In addition, a significant proportion of the steps will require replacement due to weathering and splitting along the line of the lead caulking used to secure the handrail balusters (Sketch drawing and photographs enclosed).
- In accordance with accepted conservation practice; the steps will be carefully dismantled; and the material will be retained on site and reused within a revised stair and landscape arrangement. The attached sketch drawing indicates that the majority of the granite would be used as a landing area at the foot of the new stairs.
- The proposed pergola and decking are lightweight, freestanding, reversible and located within the rear garden. They involve no alteration to historic fabric.
- Ensuring that historic buildings remain in viable residential use is widely recognised as one of the most effective means of securing their long-term conservation. Several aspects of the proposal are intended specifically to address environmental conditions that currently affect the continued usability of the lower ground floor. Where planning conditions prevent or constrain such improvements, without clear conservation justification, they may inadvertently undermine the long-term sustainability of the building's use, function and fabric.

The submission includes a detailed schedule (Appendix A) setting down the applicants response to each part of the subject condition.

7.2. Planning Authority Response

None received.

7.3. Observations

None.

8.0 Assessment

- 8.1. This is an appeal against Condition 2 only of the planning authority decision. Given the nature of the condition, the details of the application and the content of the appeal submissions, I am satisfied that the determination of the application as if it had been made to the Commission in the first instance is not warranted. The Commission can proceed to deal with the appeal in accordance with Section 139 of the Act and this assessment is carried out accordingly.
- 8.2. In the first instance, while acknowledging that the subject property is a protected structure, I agree with the applicants that the said Condition 2 is disproportionate relative to the minor scale and scope of the works proposed. As suggested the test of proportionality is a well-established principle in relation to the attachment of conditions. In this I would also refer to *Development Management – Guidelines for Planning Authorities, DEHLG 2007*, which advise on this matter and set down the relevant criteria for the attachment of conditions (see Section 7.3 of the guidelines).
- 8.3. As indicated the proposed development is essentially about upgrading the accommodation, in particular the lower ground floor apartment, in order to secure its suitability for modern living into the long-term. I agree that maintaining such properties in residential use into the long-term is one of the best ways to conserve them. Achieving this will often necessitate at least some level of alteration and the Architectural Heritage Protection Guidelines explicitly acknowledge this to be the case (see Section 5.2 above, paragraph 6.8.1 of the guidelines).
- 8.4. Taking each element of Condition 2 in turn, therefore, and referring also to Appendix A to the appeal grounds, my comments are as follows.

Condition 2(a) – Expertise

The applicant confirms that a suitably qualified conservation architect has already been engaged in relation to the project. The Commission standard condition D9, appropriately amended, can suitably address this matter.

Condition 2(b)(i) - Method Statement

The applicant accepts the requirement to submit a conservation method statement prior to commencement of works. It submits that the AHIA submitted with the application

already establishes the conservation approach to the proposed works. It is requested that the method statement may be prepared by the conservation architect following necessary opening up investigations during detailed design. The Commission standard condition D17, appropriately amended, can suitably address this matter.

Condition 2(b)(i) – Granite Steps

The applicants essentially advance two reasons for the proposed removal of the granite steps. The first is to enable remedial works to address the damp issue affecting the lower ground floor accommodation – in particular the bedroom in the return. The view expressed in the AHIA that the steps are a likely cause of moisture ingress is stated to be supported in the specialist damp investigation report submitted with the grounds of appeal. The second is that the removal of the steps, and the relocation of the access from the upper ground floor level as proposed, allows for the creation of a discrete outside amenity area for the lower ground floor apartment. It is indicated that the granite material would be reused on site in this amenity area and at the foot of the new external stairs from the upper ground floor level. It is also suggested that a significant proportion of the granite steps need replacement due to weathering and splitting along the line of the lead caulking used to secure the handrail balusters.

Notwithstanding the reservations expressed by the planning authority Conservation Section I am satisfied that the applicants have sufficiently justified the proposed removal of the steps and the revised rear access arrangements. As well as the additional technical submissions received with the grounds of appeal in relation to the damp issue, and to which there has been no response from the planning authority, I consider that the alterations proposed are relatively minor and would significantly improve the usability of the property for residential purposes, thus enhancing its future use and sustainability in the long-term. The new arrangements would provide better access from both the house and the ground floor apartment to the rear garden areas. The proportions of the area serving the apartment would be enhanced and light penetration generally to the interior of the rear of the apartment, which is relatively dark, would be improved. In this regard the proposed alterations would, in my view, generally align with the advice contained in the Architectural Heritage Protection Guidelines that extensions (and which invariably require some level of alteration) to protected structures may be necessary in order to make them fit for modern living (see Section 5.2 above, paragraph 6.8.1 of the

guidelines). In this context I do not accept that the proposed development would be detrimental to the special character of the protected structure.

I conclude, therefore, that the requirement to omit the proposed removal of the granite steps is not warranted.

Condition 2(b)(iii) – Damp Investigations

The applicant accepts the principle of this condition and confirms that the source of the damp has already been assessed by conservation specialists and that a remediation strategy will be submitted prior to commencement of works. It is requested that the strategy may be refined following opening-up investigations where necessary. This can be addressed by an appropriate condition.

Condition 2(b)(iv) – Window/Door Specifications and Front Door Sidelights

The requirement here for a revised windows/doors specification appears to come from the report of the planning authority conservation section despite the planning report indicating that the submitted details are satisfactory with the only proviso being that they be made of timber or steel. I agree that the windows/doors specifications as submitted with the application are satisfactory and the applicants confirm that they are to be of timber construction. The condition, therefore, can simply be amended to confirm the use of timber.

In relation to the proposed front door sidelights the applicant submits that the splayed reveals are not original fabric but were introduced following late twentieth century alterations when the original sash window had already been removed and replaced with French doors. The planning authority conservation section acknowledges replacement of the original sash window so clearly works have been previously carried out in this area. It seems likely, therefore, that at a minimum some alteration of original fabric has already been carried out. The applicant states that the new sidelights would provide for improved ventilation and environmental performance. They would also improve light penetration into the relatively dark interior space. It is also the case, as indicated by the applicants, and acknowledged in the planning authority conservation report, that there is a wide variety of lower ground floor front elevation window and door configurations in the houses in the vicinity, along the terraces on both sides of the road, and all of which

are protected structures. I consider that the proposed alteration is minor and that it would significantly enhance the liveability of the ground floor apartment.

I conclude, therefore, that the requirement to omit the proposed sidelights is not warranted.

Condition 2(b)(v) – Conservatory Removal Methodology

The applicant indicates that the conservatory is a relatively recent addition and that its removal is a straightforward construction operation that would not affect any historic material. I agree with this assessment. The applicant accepts that a method statement should be submitted but requests that the level of documentation be appropriate to the task. The Commission standard condition D17, appropriately amended, can suitably address this matter.

Condition 2(b)(vi) – Extension Construction Details

The applicant accepts this condition requiring construction details for the new extension prior to commencement of development.

Condition 2(b)(vii) – Boundary Wall Documentation

The applicant indicates, with the aid of drawings and photographs, that the boundary wall next to the existing conservatory is not an exposed historic wall but a modern brick wall constructed above an earlier stone wall and finished with cement render and precast capping. The wall was altered on foot of the construction of the conservatory granted permission under PA Ref. 2491/99. The proposed extension will replace the conservatory and be constructed on the same floor slab. The boundary wall will not be subject to any structural loads and the only intervention will be a cut chase to the cement render to accommodate flashing – details illustrated on the drawings submitted. I agree with the applicant that the requirements of the condition are disproportionate. The drawings as submitted are sufficient, in my view, given the limited scope of the proposed works. Additional reassurance can be provided by referencing the requirements within an amended version of Commission standard condition D17.

Condition 2(b)(viii) – Details of new external steps and balustrade

The applicant accepts this condition and confirms that detailed design drawings for the new stairs will be submitted prior to the commencement of the development.

Condition 2(b)(ix) – Omission of Pergola and Decking

I agree with the applicant that the omission of these items is not warranted. As stated they are lightweight, freestanding and reversible and involve no interference with historic fabric. I would add that they are in the nature of domestic garden enhancement and ornamentation and not something that the planning system should be concerned with.

Condition 2(b)(x) – Stone Paving Materials

The applicant accepts this condition and confirms that samples of the proposed paving will be submitted.

Condition 2(b)(xi) – Reuse of Service Runs

The applicant accepts this condition and confirms the use of existing runs where possible.

Condition 2(c) – Lime Render and Sample Panels

While the applicant accepts this condition and confirms that sample panels of lime render and plaster will be prepared during the works for inspection, I consider that this matter can be adequately addressed within the amended version of Commission standard condition D17.

Condition 2(d) – Conservation Standards During Works

The applicant accepts this condition and confirms that all works will be carried out in accordance with the Architectural Heritage Protection Guidelines under the supervision of a conservation architect.

In overall conclusion, therefore, I consider that Condition 2 should be replaced by a simpler, more proportionate and more readily enforceable condition.

9.0 **Appropriate Assessment Screening**

- 9.1. Having considered the nature, small scale and location of the project within an established and serviced urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

- 9.2. I conclude, 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. Appropriate Assessment, therefore, is not required.

10.0 Water Framework Directive

- 10.1. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.
- 10.2. Having considered the nature, small scale and location of the project in a serviced urban area, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies.

11.0 Recommendation

- 11.1. I recommend that the Commission should direct the planning authority to replace Condition 2 with the following condition:

Condition 2

- (a) Prior to the commencement of development the developer shall submit for the written agreement of the planning authority confirmation that the development will be supervised by a suitably qualified architect with conservation expertise and accreditation.
- (b) Prior to the commencement of development the developer shall submit for the written agreement of the planning authority a specification and method statement covering all works to be carried out in order to ensure that the development is carried out in accordance with good conservation practice.

In particular the statement shall include:

- (i) Details of the reuse of the granite material resulting from the removal of the existing rear external staircase.

- (ii) Confirmation that the new windows and doors will be of timber construction.
- (iii) Specific reference to the removal of the conservatory and the construction of the new extension, including details relating to tie-in and treatment of the adjacent boundary wall.
- (iv) Details and specifications for the new external stairs.
- (v) Details and specifications for the new stone paving.
- (vi) Details of the use of existing service runs and any new service runs proposed.
- (vii) Provision for changes/refinements to the statement, including the remediation strategy to address the damp issue, following opening-up investigations.

Reason: In the interest of the protection of the architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

12.0 Reasons and Considerations

Having regard to the limited scope of the proposed development it is considered that the imposition of the said Condition 2 as drafted by the planning authority would be excessive and is not warranted. The Commission considers that the alterations proposed, in particular the removal of the rear granite staircase and the insertion of side lights to the front door at lower ground floor level, are justified in order to effect a reasonable upgrade to the accommodation and ensure its suitability for modern living in the long-term while not being detrimental to the special architectural character of the Protected Structure. The proposed development, subject to the revised Condition 2 as set out above, would be in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (DAHG 2011) and would be in accordance with 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

B. Wyse
Planning Inspector

17 June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Domestic extension (protected structure)
Development Address	85 Haddington Road, Dublin D04W2N1
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of	

proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	If a development is not a Class – Include this paragraph under EIA Screening (A separate heading) in the Inspectors Report. 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.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: B. Wyse

Date: 17 June 2026