



An
Coimisiún
Pleanála

Inspector's Report PL-501535-DR-26

Development	Protected Structure: Internal and external alterations to house.
Location	9 Royal Terrace East, Dun Laoghaire, Co. Dublin, A96R5V6 - A Protected Structure
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0235/WEB
Applicant(s)	Stephanie Healy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Stephanie Healy
Observer(s)	None
Inspector	Jennifer McQuaid

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History	5
5.0 Policy Context	6
6.0 EIA Screening	7
7.0 The Appeal	7
7.1. Grounds of Appeal	7
7.2. Applicant Response	9
7.3. Planning Authority Response	9
7.4. Observations	9
7.5. Further Responses	9
8.0 Assessment	9
9.0 AA Screening	12
10.0 Water Framework Directive	13
11.0 Recommendation	14
12.0 Reasons and Considerations	14
Appendix 1: Form 1 EIA Pre-Screening	16

1.0 Site Location and Description

- 1.1. The subject site (0.035ha) is located at 9 Royal Terrace East, Dun Laoghaire, Co. Dublin. There is an existing two-storey over basement mid-terrace dwelling on site. The site forms part of a larger nineteenth century terrace of two-bay, two storey over basement buildings. The site is listed on the Record of Protected Structures (no. 1279) and is located within the Royal Terrace Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. The proposed development consists of:
- Lower Ground Floor: enlarging openings in the hallway and between two principal rooms, replacement of external timber doors to the rear, removal of internal and external doorways and enlarging external window to the return, anew external window opening, installation of fitted furniture.
 - Upper Ground Floor: removal of kitchen furniture from the rear annex room, replacement of internal door, removal of existing external doorway and stairs and installation of one over one timber sash window.
 - First floor: removal of modern partitions, store and ensuite in the rear bedroom.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant subject to 5 conditions

- 3.1.2. Conditions

Condition 4. The following Conservation requirements shall be complied in full:

- a. All repair works to the protected structure shall be carried out in accordance with best conservation practice and the Department of Culture, Heritage and

the Gaeltacht “Architectural heritage Protection Guidelines for Planning Authorities”, 2004, Revised 2011.

- b. Works to be carried out in accordance with Appendix V Outline Conservation Specification as set out in the Report by David Slattery – Architect – Historic Building Consultant.
- c. The proposed oriel window serving the den at lower ground floor level shall be omitted and replaced with a flush window which does not project from the rear return elevation and is consistent with the design of other existing window openings. Revised details shall be submitted and agreed in writing with the Planning Authority prior to commencement of development.
- d. All works are to be carried out under the professional supervision of an appropriately qualified Conservation Architect/Surveyor or equivalent with specialised conservation expertise who shall manage, monitor and implement the works on the site to ensure adequate protection of the historic fabric.

Reason: To protect the special interest of the Protected Structures.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The principle of development is acceptable as the site is zoned under objective “A”.
- The extent and scale of the works proposed are relatively minor and would affect only the less sensitive rear parts of the building.
- It is noted that the Conservation Section recommend omitting the proposed oriel window and replacing it with a flush window subject to condition.
- The works proposed at upper ground/hall level/first floor level are considered as relatively minor compared to the overall scale of the existing building, and they would not result in any negative residential or visual amenity impacts or have any impact on the Protected Structure.
- It is not considered that the external works will materially impact the ACA.

- It is not considered that the works would give rise to any additional overlooking or overshadowing, beyond the existing condition. The proposal relates to relatively minor works within the existing built footprint and would not cause any impacts to the privacy or amenity of neighbouring properties as a result of additional overlooking or overshadowing.

3.2.2. Other Technical Reports

- Drainage: No objections.
- Transportation: No objection subject to conditions.
- Conservation: No built heritage objections subject to the omission of the proposed oriel window on the return at lower ground floor level room. The existing window is modern PVC installed in a larger opening; however, it does retain the granite cill, and the width of the opening matches that of the windows above. The Conservation Officer has no issue with enlarging the opening and dropping the cill level; however, as all the other openings on the rear elevation of the building follow a similar form with a vertical emphasis and windows that are flush with the elevation, the proposed projecting oriel window is considered incongruous with the architectural character and appearance of the protected structure. It is recommended that a condition shall be attached to provide an alternative design to the proposed window at lower ground floor level of the return which is more respectful to the form and vertical emphasis of the existing window openings.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

PA Reg: D17A/0584: Permission granted for 1. Removal of existing floor build up and construction of new insulated floor at garden level. 2. Window opening at rear

altered and widened to accommodate new sliding door at garden level. 3. Formation of opening between front and rear reception rooms at garden level. 4. Formation of opening between front and rear reception rooms at entry level. 5. Allow for solar panels to inner slope of roof where it is not visible. A Protected Structure.

Adjacent sites:

PA Reg: D24A/542: Permission granted for a detached storey and a half shed to rear garden with associated ancillary works.

PA Reg: D21A/0311: Permission granted for the demolition of a boiler room and balcony terrace to the rear, the construction of a new single storey extension to rear with a terrace and a single storey extension to the side of the return including openings to the existing building and alterations to internal, replacement of windows and modifications to the internal layouts and ancillary works.

5.0 Policy Context

5.1 Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028 (CDP)

The site is zoned Objective “A”, which seeks to “provide residential development and improve residential amenity while protecting the existing residential amenities”.

Chapter 3 relates to Climate Action

Chapter 4 relates to Neighbourhood – People, Homes and Place.

Chapter 11 relates to Heritage and Conservation

Section 11.4 relates to Architectural Heritage

Section 11.4.1 relates to Record of Protected Structures

Policy Objective HER8 relates to Work to Protected Structures

Policy Objective HER9 relates to Protected Structures Applications and Documentation

Policy Objective HER10 relates to Protected Structures and Building Regulations

Policy Objective HER11 relates to Energy Efficiency of Protected Structures.

Section 11.4.2 relates to Architectural Conservation Areas

Policy Objective HER13 relates to Architectural Conservation Areas

Chapter 12 relates to Development Management

5.2 National/Regional Plans/Policies

- Architectural Heritage Protection Guidelines for Planning Authorities, 2004, Revised 2011.
- International Council on Monuments and Sites (ICOMOS) Charters.

5.3 Natural Heritage Designations

The subject site is not located within a designated protected area. The nearest protected site are:

- Dalkey Coastal Zone and Killiney Hill pNHA located approximately 800metres from the subject site.
- South Dublin Bay and River Tolka Estuary SPA is located 1.5km to the northeast of the subject site.

6.0 EIA Screening

- 6.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal have been received from the applicant and relate solely to condition 4c of planning reference D26A/0235/WEB. The concerns raised are:

- The applicant carried out an Architectural Heritage Impact Assessment (AHIS). The AHIA notes that the granite sill of the lower ground floor window in question will be set aside for the reinstatement of the upper ground floor window above, following proposed removal of the modern doorway and stairs in that location. The reinstatement of the upper ground floor window will have

a significant positive impact on the architectural character and appearance of the protected structure and the ACA as a whole, making this opening congruent with the adjoining rears of terraces.

- The widening of the lower ground floor opening will not have a significant impact on the protected structure. The insertion of the new oriel window is proposed in the context of conversion of historic servant spaces on the lower ground floor to a family room connected to the garden. This is in line with the provisions of the ICOMOS (International Council on Monuments and Sites) charters to keep historic structures in active use and encouraging their adaption to the modern ways of life. The Architectural Guidelines for Planning Authorities state that “the creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and special interest on the other”. The AHIA demonstrated, the character and special interest of no. 9 Royal Terrace East is primarily in its significance within the group of adjoining terraces. The oriel window will not have a material impact on this significance.
- Planning Precedence: Similar oriel window granted under planning reference D20A/0272 at no. 13 Royal Terrace East, the property is almost identical in its form, scale, materials and layout to no. 9 Royal Terrace East. A Conservation Method Statement for the retention application included a photographic record of the opening prior to insertion of the oriel window. The opening had a granite sill, its width matched that of the upper windows and in this the previous window was identical to the existing lower ground floor window at no. 9 Royal Terrace East. The impact of removal of this window, loss of historic fabric and insertion of the new window was therefore directly comparable to the impact of the proposed oriel window on 9 Royal Terrace East.
- Similar Developments: Significant alterations to the lower ground floor openings to the rears of all terraced properties at Royal Terrace East, which were subject to numerous planning applications. Bird’s eye image submitted. While each planning application is assessed on its own merits, these alterations are much more significant in their impact on the protected

structures and the ACA as a whole compared to the insertion of the oriel window to the rear of no. 9.

7.2. Applicant Response

- As above.

7.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

- None

7.5. Further Responses

- None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having regard to the relevant local/regional/national policies and guidance, I conclude that the key issues raised by the appeal relate to the inclusion of condition 4c of PA ref D26A/0235/WEB only.

Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended, I am satisfied that this appeal should relate only to the merits of the aforementioned conditions.

8.2. Condition 4c

8.3. The subject dwelling is a protected structure and located in an Architectural Conservation Area (ACA). 9 Royal Terrace East is described as a three storey over basement private terraced dwelling constructed c.1860. To the west it borders Royal

Terrace Park and to the east an ungated laneway. It has a substantial front and rear gardens. The Planning Authority granted permission for a number of alterations to the existing terrace dwelling both internal and external, the alterations include enlarging the rear window to the return and providing an oriel window subject to condition 4 (c) which requires the omission of the proposed oriel window serving the proposed den at lower ground floor level, and replacing it with a flush window which does not project from the rear return elevation and is consistent with the design of other existing window openings.

- 8.4. The grounds of appeal state that the AHIA (Architectural Heritage Impact Assessment) has outlined that the granite sill of the lower ground floor window in question will be reinstated on the upper ground floor window above, following proposed removal of the modern doorway and stairs in that location. The reinstatement of the upper ground floor window will have a significant positive impact on the architectural character and appearance of the protected structure and the ACA as a whole, making this opening congruent with the adjoining rears of terraces. The widening of the lower ground floor opening will not have a significant impact on the protected structure. The insertion of the new oriel window is proposed in the context of conversion of historic servant spaces on the lower ground floor to a family room connected to the garden. This is in line with the provisions of the ICOMOS charters and the Architectural Guidelines for Planning Authorities. The appellant claims the AHIA demonstrated, the character and special interest of no. 9 Royal Terrace East is primarily in its significance within the group of adjoining terraces. The oriel window will not have a material impact on this significance. Similar windows have been granted in adjacent properties, particularly at no. 13 Royal Terrace East.
- 8.5. I have reviewed the submitted planning drawings, and I have reviewed the concerns raised by the Conservation Officer of DLRCC. The Conservation Officer noted that all the other openings on the rear elevation of the building follow a similar form with a vertical emphasis and windows that are flush with the elevation. The proposed projecting oriel window is considered incongruous with the architectural character and appearance of the Protected Structure and therefore conditioned a revised alternative design to the proposed window at lower ground floor level of the return which is more respectful to the form and vertical emphasis of the existing window openings.

- 8.6. I note the Architectural Heritage Impact Statement and Methodologies; it is noted under Section 4 Assessment of Cultural Significance that the front and rear elevations and the internal layout of no. 9 are well preserved and have an architectural significance which was constructed as part of the wider Royal Terrace development and contributes positively to the character of the ACA. The AHIA states the widening of the proposed opening will result in the removal of some historic fabric, which will have a minor negative impact on the property. The removal of the poor quality, ill-fitting PVC window and its replacement with a contemporary frameless oriel window will balance the negative impact and the proposed minor alterations to the rear of the property will not be visible from the public domain and will not have a negative impact on the character of Royal Terrace ACA.
- 8.7. I note policy objective HER8: Works to a Protected Structure (i) of the CDP which states it is the councils policy to protect structures included on the RPS from any works that would negatively impact their special character and appearance and in addition part (iv) seeks to 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. Furthermore, Chapter 12, section 12.11.2.1 of the CDP Works to a Protected Structure seeks to ensure that alterations and interventions to Protected Structures shall be executed to the highest conservation standards and shall not detract from their significance or value. In this regard I note the applicant proposes to remove the existing PVC window and to remove the existing granite sill and use this on the upper floor window. The proposed oriel window will be slightly larger in as the window will be lowered to the ground level, the window will project the rear building line. I note the Conservation Officer has no issue with enlarging the opening and dropping the cill level; however, the issue arises with the projecting oriel window as all other openings on the rear elevation of the building follow a similar form with a vertical emphasis and windows that are flush with the elevation and therefore the proposed projecting oriel window is considered incongruous with the architectural character and appearance of the protected structure.
- 8.8. I consider as the proposed oriel window is projecting the rear elevation, the proposed changes will negatively impact the architectural character and appearance of the protected structure. I note the Conservation Office has no issue with enlarging the

window and I consider this is an acceptable approach and will allow adequate light into the proposed den room. I do not consider that it is necessary to provide a projecting window for the overall enjoyment of the property and I consider that the projecting window will detract from the significance and value of the protected structure and that the existing granite cill shall be retained in its original location at the lower ground level.

- 8.9. I note the appellant has highlighted that a similar window was granted on an adjacent site, and the appellant should note that each application is assessed on its own merits.
- 8.10. Having regard to the location of the proposed oriel window which will project the existing rear elevation, I consider that the proposed oriel window is not consistent with the character and openings on the rear elevation and will appear incongruous with the architectural character and appearance of the protected structure and will contravene policy objective HER8 and in particular part (i) which seeks to protect protected structures from any works that would negatively impact their special character and appearance and part (iv) which seeks to ensure that any development, medication, 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. Therefore, in my opinion, Condition 4(c) shall remain attached to the grant of permission and the applicant shall agree a revised design with the Conservation Officer of DLRCC.

9.0 AA Screening

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

The proposed site is not located within a designated site; the nearest European site is South Dublin Bay and River Tolka Estuary SPA is located 1.5km to the northeast of the subject site.

The proposed development comprises extension and alterations to an existing dwelling with connection to public sewer, water and public drainage. No nature deterioration concerns were raised in the appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed alterations to an existing dwelling.
- Distance to the nearest European site South Dublin Bay and River Tolka Estuary SPA is located 1.5km to the northeast of the subject site.
- Services connection to public water, public sewer and public drain.
- The lack of pathway connections to the SPA/SAC.

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

10.0 Water Framework Directive

10.1. The subject site is located in the urban area of Dalkey, Co. Dublin. The site is zoned as “A”, the objective is to seek to provide residential development and improve residential amenity while protecting the existing residential amenities. There are no rivers or streams in close proximity to the subject site. No water deterioration concerns were raised in the appeals submitted.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- Scale and size of the proposed alterations and extensions to an existing dwelling.
- Location of the subject site on zoned lands in an urban area.
- Lack of connection to water bodies.
- Connection to public water, sewer and public drain.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 4(c) and the reason therefore.

12.0 Reasons and Considerations

1. Having regard to the nature of the subject dwelling which is a listed Protected Structure reference no. 1279 and is located within the Royal Terrace Architectural Conservation Area. It is considered by reason of the proposed projecting oriel window would be out of character with the remaining pattern of windows on the rear elevation of the protected structure and would seriously injure the architectural character and appearance of the protected structure. The planning authority's condition 4(c) requiring an alternative design to the proposed window at Lower Ground Floor Level of the return is, therefore, warranted.

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.

Jennifer McQuaid

Planning Inspector

2nd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501535-DR-26
Proposed Development Summary	Internal and external alterations to dwelling. Protected Structure. This appeal relates solely to condition 4c of PA reference D26A/0235/WEB.
Development Address	9 Royal Terrace East, Dun Laoghaire, Co. Dublin A96R5V6.
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.	
☐ 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____